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A COMPARATIVE SURVEY OF ELECTION FINANCE LEGISLATION

1988

COMMISSION ON ELECTION FINANCES
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A COMPARATIVE SURVEY

OF

ELECTION FINANCE LEGISLATION

1988

"Elections are not a frill of a democracy,
they are the essence of a democracy."

Hon. David Peterson
Premier of Ontario

September 10, 1987

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PREFACE

There is a growing interest and concern in the funding of political parties and in the amount of money spent in election campaigns. This quinquennial up-date of election finances legislation in Canada, the United States, Australia and New Zealand is an indispensable source of information for assessing that concern.

It will be of particular use for election officials who are working in the field, but it would be my hope that it might reach not only elected members of parliament, federal and provincial, but local and university libraries, where the general citizenry would have ready access to it. In that way a healthy public debate would be nourished.

A special thanks to Anna Ker, Q.C., student researchers during the summers of 1987 and 1988, as well as the staff of the Ontario Commission on Election Finances, for a commendable collaborative effort.

Donald C. MacDonald
Chairman
Commission on Election Finances

Toronto
July 1988

AN INTRODUCTORY NOTE

In 1978 and again in 1983, the Ontario Commission on Election Finances published A Comparative Survey of Election Finance Legislation. In the decade since that first survey was published election finance legislation has undergone a subtle transformation. Some form of constraints or limitations imposed in conjunction with public disclosure requirements are now an accepted element of most political campaigns for higher office.

Of course, as laws are tested during the heat of election contests, deficiencies and problems become apparent and subsequent reforms are enacted in an attempt to eliminate the difficulties. This volume is intended to provide a discussion on some current issues and a reference for legislative changes in the jurisdictions contacted, up-to-date as of the Spring of 1988.

The study itself is divided into five independent sections. The previous surveys placed an emphasis on documenting the contribution limitations and disclosure requirements. This was a reflection of both the prevailing concern for accountability in election campaigns and the fact that this jurisdiction, the Province of Ontario, had limited itself to that type of legislation. We feel that both the theory behind contribution limitations and their practical consequences have been comprehensively canvassed in the first two surveys. As a result, the emphasis in this survey will shift slightly from political accountability to focus on the accessibility of public office. Specifically, the issues of public funding and expenditure limitations will be examined.

Part One is an overview concentrating on the prevailing theories underlying all election finance legislation. It provides an examination of the various types of controls available and their normal impact. The theory section borrows heavily from the previous surveys so that a comprehensive understanding of the issues and problems associated with election finance legislation can be found in a single volume. A number of judicial interpretations based on relevant Canadian and American statutes are included to provide practical examples of how the theories are applied by the courts.

Part Two is primarily concerned with current Canadian legislation and issues. It contains a more detailed examination of the effects of expenditure limitations in a Canadian context. All substantial changes in legislation subsequent to the 1983 survey have been noted in both Parts Two and Five. The latter is essentially a synopsis of the information collected in the course of researching this survey.

Part Three of this study concerns itself with election finance legislation in the United States of America. Again the previous surveys are utilized for their analysis of the American experience during the Watergate era which provided much of the impetus for the extensive election finance reforms from 1972 to 1974.

Although the basic concerns of public accountability and accessibility are similar to those underlying the Canadian legislation, the infrastructure which has developed to conduct political campaigns subsequent to the initial reforms is quite different. The existence of influential Political Action Committees (PACs), and the jurisprudence surrounding the

Constitutional protection of the right to political freedom of speech have generated issues as yet unexplored in Canada. However, the growing influence of political pressure groups in Canada, and the limited precedents to date under the Canadian Charter of Rights and Freedoms[1] make an examination of the American model useful for predicting future Canadian responses to similar problems. For this reason a discussion of American issues has been included.

Part Four of the study will examine the election finance legislation and/or reform proposals from Australia and New Zealand. These countries share their British parliamentary heritage with Canada, but each nation has addressed its unique differences in a separate way. This section is included to serve as a comparison to Part Two's examination of the Canadian approach to common problems.

Part Five follows the style adopted in the previous surveys by presenting a concise synopsis of all the relevant legislation from the jurisdictions responding to our inquiries. Most jurisdictions are up-to-date, and, in the event that imminent amendments or proposals for substantial reform exist, this situation has been noted in the associated text. Where possible, we have attempted to confirm the accuracy of the information by providing the jurisdiction concerned with a preview of the synopsis to minimize potential misinterpretations of the practical consequences of the various statutes.

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[1] Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B of the Canada Act 1982 (U.K.), 1982, c.11.

PART ONE

OVERVIEW

(1) THE NEED FOR ELECTION FINANCE LEGISLATION

> It may be said that in a certain society, men have equal rights to a fair trial, to seek redress from the law for wrongs committed against them, etc. But if a fair trial or redress from the law can be secured in that society only by moneyed and educated persons, to insist that everyone has this right, though only these particular persons can secure it, rings hollow to the points of cynicism: we are concerned not with the abstract existence of rights, but with the extent to which those rights govern what actually happens.[2]

In most democracies, political activity has generally been sponsored by private sources. Traditional democratic theory assumes that "...all interests and points of view will receive financial support and expression in proportion to the numbers of their adherents."[3] Political resources, however, tend to be spread unequally among classes and individuals. Time, energy, education, and, most important, money, are more available among the upper strata of society.

Money, unlike most political resources, is liquid. It moves easily as well as silently, and it can buy most non-economic political resources. Money is needed to maintain political parties, to fight elections, and to present the electorate with a meaningful choice. For that reason most election finance legislation is geared toward monitoring and controlling the sources and uses of money in its various forms.

---

[2] Williams, The Idea of Equality in Philosophy, Politics and Society, Sec. II, at 110-31 (1962).

[3] D. Adamany and G. Agree, Political Money (Baltimore: The John Hopkins University Press, 1975), at p. 2. [hereinafter referred to as Adamany and Agree].

The study of money in politics necessarily probes the organization of society in its relationship to the functions and actions of government. The underlying goals remain constant, however: first, maximization of access for individuals wishing to contest public office or put forward their political beliefs; and, second, preserving the integrity of the electoral process by limiting the distortion caused by the financial clout wielded by corporations, organized labour or wealthy individuals. In the United States, the three groups traditionally recognized as requiring supervision are joined by Political Action Committees (PACs) which pose a similar threat to the ideal of equality common to democratic elections.

(2) REGULATION: WHY BOTHER?

> Both campaign laws and the judicial response to these laws are premised on the idea that money makes a difference in the electoral and governing process. If money was not seen as important to political campaigns and government, there would be little need for regulation, and little controversy on the subject.[4]

---

[4] John S. Shockley, "Money in Politics: Judicial Roadblocks to Campaign Finance Reform" [Spring 1983] 10 Hastings Const. L.Q. 679 at p. 712.

3 OVERVIEW

Adamany and Agree, in their influential work Political Money, identify five rationales associated with election reform legislation.[5]

> 1. To enable a nation with a private property economy and, consequently, a massive inequality of individual and institutional means to preserve opportunities for all its citizens to participate equally or nearly equally in financing politics.
>
> 2. To structure a system that will provide enough money for vigorous,competitive campaigns for public office....The public's interest here is not...the candidate's opportunity to promote his or her own career, but their opportunity to hear from candidates in a balanced way.
>
> 3. To ensure that each candidate is entitled to a fair share of the financial resources through a formula flexible enough to acknowledge newly emerging, as well as established movements, without rewarding frivolous candidates or propping up decaying political organizations.
>
> 4. To free candidates and elected officials from undesirable or disproportionate pressure and influence from contributors and to free citizens from pressure by politicians to give financial support to candidates or parties.
>
> 5. To prevent corruption--i.e., where explicit understandings accompany either solicitation or giving.

---

[5] Note 3 supra, pp. 8-12.

To achieve the desired goal(s), legislators must choose and implement from amongst various means available. Theoretically, Anderson lists five types of campaign finance legislation:[6]

1. Restrictions on the source of political money;
2. Restrictions on the size of political contributions;
3. Restrictions on the size and type of political campaign expenditures;
4. Publication of the source of financial political support [disclosure]; and
5. Public subsidy for political campaigns.

To these some authors have added a sixth requirement, that of agency--i.e. making one person responsible for both receiving and spending the candidate's money.[7]

(a) CONTRIBUTION LIMITATIONS

Contribution limitations are designed to serve a distinct purpose, to maintain the purity of the electoral process. The dilemma facing legislators considering the implementation of restrictions on the size of contributions is that too low a level strangles effective political campaigning, while too high a level fails to act as an effective rein on the political finance system.[8] A further consequence of comprehensive size limitations is the elimination of an unfair advantage held by a candidate who is personally wealthy or backed by wealthy interests.

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[6] E. Anderson, "Campaign Finance in Wisconsin After Buckley," [1976] Wis. L. Rev. 816 pp. 819-820.

[7] Report of the Committee on Election Expenses, 1966, (Ottawa: Queen's Printer, 1966), p. 104 [hereinafter referred to as the Barbeau Report].

Source limitations are also prompted by certain central principles. First, there is a perception that the prohibition and/or restriction of donations from special interests could have a fall-out effect, namely the broadening of the base for all political financing[9] by obtaining funds from new, previously uninvolved elements of society. The second aim is to protect both candidates and contributors alike from the spectre of undue influence. The combination of source and size limitations inhibit corrupting influences in the political process by eliminating "donation-for-favour" exchanges.

> [I]t is acknowledged...that at the very least, [the large contributor] gains access to the office holder; such access is usually denied to the average voter. But it would be naive to contend that the influence ends with access. The actual effect upon public policy apparently covers so broad a spectrum from the most blatant purchase of legislation to influences which are so subtle that the office holder may not be aware he or she is being biased.[10]

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[8] Note 3 supra, p. 5.

[9] Report of the Special Committee on Election Expenses (Ottawa: Queen's Printer, 1971), p.104.

[10] M.A. Nicholson, "Campaign Financing and Equal Protection" [1974] 26 Stanford Law Review 815 p. 820.

In jurisdictions where contribution limitations are in place, a more complex system of rules prevails. Guided by equitable principles, the law must provide for valuation of goods and services, third party advertising, fund transfers within political structures, union check-offs, use of candidate's personal funds, disclosure of the size and identity of donors, inter-election contribution limits, prohibition on anonymous donations and a host of other subjects related to election financing. All donations from one source must be viewed by the law in the aggregate. Reporting procedures must be periodic and take into account all assets, including those producing an investment return. Finally, in order to maintain the integrity of a political system within a given jurisdiction, ex juris contributions must be regulated.

Attempts to curb contributions from special interests raise serious questions quite apart from the mechanics of the restrictions. For example, the greatest area of debate concerning contribution limitations revolves around the application of the law to multi-member organizations such as corporations and trade unions. While such organizations are directly affected by government decisions, the question of whether the leadership of these private institutions speak for their members or shareholders arises. Even as political contributions from these institutions reflect a majority view, the preferences of a minority element cannot, in theory, be ignored.

The legislative treatment of private institutions in the electoral process will implicitly reflect the prevailing attitude of the incumbent legislators. Incumbents dependant upon private institutions for funding are likely to exclude such organizations from scrutiny or draft liberal legislation which has limited practical effect. The implications of this political reality are evident in the widely divergent views of legislators from different cultures.

The Europeans view political activity on the part of private institutions as an acceptable and legitimate attempt to support government or opposition policies, the results of which directly affect them. On the other hand, the traditional American view

> ...is based in fear that these private institutions, which possess massive resources, will dominate government policy making. Further, Americans tend to feel that the leaders of the economic institutions do not speak for their members or shareholders on political matters. But even if institutional leaders could correctly be described as representing most members, there would still be concern for the political preferences of minority elements.[11]

Even in the United States there is significant controversy over the intervention of private institutions. The Supreme Court in a 5-4 decision in First National Bank of Boston v. Bellotti[12] extended first amendment protection to corporate spending in referenda situations. This can be interpreted as sanctioning a view that more closely resembles the traditional European approach of full, unimpeded participation by private institutions. However, the later case of Federal Election Commission (FEC) v. National Right to Work Committee (NRWC)[13] could be interpreted as a shift in the Court's thinking in favour of upholding restrictions on corporations and labour unions. These cases, and their implications to the American political scene will be examined more thoroughly in part three of this book. At this point, it is necessary only to understand that the entire issue of private institutional involvement in the political process is highly problematic.

---

[11] Note 3 supra, p. 53.

[12] 435 U.S. 765 (1978).

[13] 103 S. Ct. 552 (1982).

Even if the measures outlined above are taken, special interests may attempt to subvert the intention of such legislation. For example, prohibitions on corporate donations may prove little hindrance to "bonus" provisions to employees which find their way into the party system as individual contributions, or the general supply of volunteer goods and services which comprise a significant asset to partisan campaigns. Some jurisdictions have met the challenge of defining an effective law to regulate the movement of cash and in-kind contributions into the party system by encouraging all interests (individual, corporate, labour, etc.) to support parties openly through the provision of tax incentive schemes while ignoring limitations on size.

In the Canadian context, the entire issue of political contributions by subsidiaries of American-owned corporations or locals of international trade unions remains unsettled. While policy in the jurisdiction of the American parent company or union is formed on the basis of legal prohibitions which exist in the United States, the provision of tax incentives in most Canadian jurisdictions openly encourages foreign-controlled subsidiaries to support the Canadian political process. It seems, nevertheless, that corporations have adjusted to the implementation of election financing schemes, including the idea of complete and open disclosure, and have continued to supply the party system with substantial funding. Having largely accepted the advance toward greater state control over the corporate existence, corporate policy now seems to view political donations as an element of good public relations.[14]

In the case of union political contributions, the usual method of collection from the membership is through deductions from wages. These "check-offs" divert small amounts from workers' monthly pay cheques either directly to the New Democratic Party (the historical partisan choice of union leadership) or indirectly to the union's general fund, to be drawn on for political purposes at a later date. Collective agreements with management usually provide for employers to deduct "check-offs" and then to remit the amounts deducted to the trade union.

Political finance laws remain silent on the rights of dissenters where corporate or union contributions are concerned, as this would involve drawing a very difficult line between funds relevant to corporate economic well-being or collective bargaining and funds which abuse individual rights. The courts, however, have not been so reticent. The recent Ontario High Court decision in the case of Lavigne v. O.P.S.E.U.[15] has clearly upheld the dissenters' right to object to the use of union "check-off" funds for political purposes which are not related to the collective bargaining process. Mr. Justice White found that compulsory dues "check-off" provisions in the collective agreement interfered with the applicant's freedom of association under the Charter because it forced him to contribute dues to a union which he did not choose to join. The decision held that the provisions could not be justified in a free and democratic society.

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[14] D.E. Osborn, "Business and Political Donations: A Framework for Decision" Business Quarterly vol. 40 (Spring, 1975), p. 86 at 89.

[15] (1987), 66 O.R. (2d) 486 (Ont. H.C.).

In any case, monetary contributions often pale in comparison with other forms of union or corporate activity which campaign finance legislation labels as contributions. Such matters as placing union or corporate facilities at the disposal of partisan campaigns, loaning human expertise to parties during and between elections and providing in-house political education all comprise political assets which effective contribution limitation legislation must evaluate, however difficult that task may be. Aside from the problem of the individual dissenter, the main purpose of limitations on corporate and union political donations is to curb special advantages. Even if the views of the partisan beneficiary and the entire body of union members or stockholders were compatible, the allowance of large contributions by these associations would risk unbalanced access to the candidate.[16]

(b) DISCLOSURE

The disclosure of the size and source of contributions and/or expenses is a key element in any set of political finance controls. It is necessary both as an administrative tool for the enforcement of limitations on contributions and expenditures and as a means of control in itself.

That disclosure is an administrative necessity is beyond question; without some effective method of monitoring inflows and outflows of funds, enforcement of the limitation provisions would be impossible. The public release of information which has been disclosed does raise issues of concern amongst both contributors and candidates, however. For example, a recent United States Supreme Court decision[17] held that the disclosure of suppliers' names could prove unconstitutional in limited circumstances.

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[16] Note 3 supra, p. 44.

In 1977, the Manitoba Law Reform Commission produced a working paper which outlined the concerns of those opposed to comprehensive disclosure.[18] These concerns included fear of invasion of privacy with respect to contribution disclosures; risk of persecution from other elements of society when a supporter of a minority party is revealed publicly; encouragement of evasion techniques; overly onerous accounting techniques which might disadvantage minor parties; and increased ambit for administrative interference in party affairs.

These concerns were countered by arguments which stressed that a financial contribution is a public rather than a private act because of its goal of influencing public opinion and voting patterns. The publicity aspect of disclosure further sheds light on "donations-for-favours" and gives parties and candidates a ready answer to charges of this nature. In fact, disclosure fosters public confidence in the political system and has had the effect of broadening the base of partisan donations.

---

[17] Ted W. Brown et al. v. Socialist Workers Campaign Committee (Ohio) et al.

[18] Manitoba Law Reform Commission, Working Paper on Political Financing and Election Expenses (1977), [hereinafter referred to as Manitoba Working Paper] p. 56.

Furthermore, once a parallel system of public financing is instituted, it can be argued that the public interest must demand scrupulous reporting and disclosure practices.[19]

A concern for all jurisdictions seeking full disclosure is the accuracy of reporting procedures and the necessity of presenting a true picture of the state of candidate or party finances. In order to be effective, reporting procedures must aim at clarity and at a format which the public can readily understand. As Adamany and Agree note, a workable system of full disclosure requires that:

> ...statements be technically correct because they are only a first stage in transmitting the information to the public for its evaluation. Under the theory of full disclosure, the opposition politicians and press who are responsible for publicizing the information cannot be expected to conduct extensive reviews of the reports and figures for accuracy and completeness.[20]

(c) EXPENDITURE LIMITATIONS

Of all forms of political finance regulation, limitation of expenditures is the requirement most frequently advocated. In theory, such limits will reduce campaign imbalances, the overall need for money and the temptation to accept contributions to which conditions, either implicit or explicit, are attached.

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[19] Note 3 supra, pp. 56-57.

[20] Ibid., p. 99.

In general, expenditure limitations are in one of two forms, segmental or total:

> "Segmental" limits aim at specific kinds of expenditures, whether to curb total spending by restricting certain high-cost activities or to ban campaign techniques regarded as immoral or improper.[21]

Such limits may define allowable campaign expenditures-- e.g., printing costs--and by implication exclude other outlays.

This type of limit is not without problems. Aside from the fact they must, of necessity, be reasonably arbitrary, other shortcomings include:

1. Uncertainty as to what the public interest is in specifying which, among otherwise legal activities, may be supported by campaign funds. The quality of campaigning is difficult to guarantee by the choice of campaign methods.
2. The prescription of approved campaign methods very quickly becomes antique.
3. Difficulty in writing statutory limits which are specific enough.
4. Difficulty in enforcing such laws. The public is not likely to support prosecution for campaign activities that are legal when engaged in for non-political purposes.[22]

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[21] Summary of Candidate Election Financing: July 1985, Report prepared for the Chief Electoral Officer by the Bureau of Management Consulting, Supply and Services Canada.

[22] Note 3 supra, p. 55.

Total expenditure limitations are based on formulas used to set overall limits. An example of this type would be an aggregate based on 50¢ per voter in an electoral district.

The difficulty associated with comprehensive limits is how to strike an equitable balance between limits so high they become meaningless and so low they ignore the fiscal reality of campaigning to the point where evasive tactics are required. The Barbeau Commission found that:

> A total dollar limitation is inviting by its simplicity, but meaningless in practice. A total dollar limitation appears hopelessly inadequate in evaluating volunteer support in work or services.[23]

It is assumed that "handicapping" the electoral process to generate a more competitive race is beneficial for society because conflicting ideas are put forward in a balanced manner which presents the voters with a clear choice from amongst those political goals and philosophies advanced. Alternatively, there is some concern that expenditure limitations place challengers running against incumbents at a substantial disadvantage.

Studies have shown that the importance of money for political success varies significantly by office and incumbency status.[24] The same study found that money makes a greater contribution to increasing the chances of challengers than it does to incumbents. In addition, Jacobsen found that the marginal value of added expenditures decline far more rapidly for incumbents. This solution to the imbalances which expenditure regulations are theoretically designed to alleviate was to establish a minimum spending floor by ensuring adequate minimum funding for all candidates. This approach is of course predicated on the belief that the electoral system will be more egalitarian if it is more competitive. The ability to win an election is not necessarily an appropriate guideline when designing election finance legislation, however.

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[23] Note 7 supra, p. 49.

[24] Gary C. Jacobsen, Money in Congressional Elections, (New Haven, Conn.; Yale University Press, 1980).

The findings in Jacobsen's study are in line with statistical studies conducted to show the effect of spending patterns on the probability of electoral success using data from the Canadian federal elections of 1979, 1980[25] and 1984.

These studies conclude that riding candidates who spend the most money, particularly on print advertising, are likeliest to win. Challengers attempting to unseat incumbents must be prepared to spend over 90 per cent of current expenditure limits in order to have a chance of winning. While national radio and television advertising campaigns are effective, these studies show that riding level spending is not a cost effective means of increasing a candidate's vote. Overall, in the 1984 Canadian federal election campaign, winning candidates spent more than twice the overall average. A study using the 1984 information showed that winning candidate's personal expenditures were, on average, three times those of the unsuccessful challengers. This raises the issue of whether seeking political office is becoming the preserve of the more affluent members of society. It should be noted that over half the successful candidates were those who spent the most in their ridings; in fact, the third highest spender in a riding had only a 1 in 20 chance of being elected.

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[25] S. Isenberg, "Can You Spend Your Way Into the House of Commons?" Optimum vol. 11, no. 1 (1980), pp. 28-39; Optimum vol. 12, no. 4 (1981), pp. 5-15.

Theorists disagree about the efficacy of spending limits. Herbert Alexander believes that the economic laws of diminishing returns apply to campaigning to the point where the benefits from unlimited spending may be less than marginal.[26] A similar feeling is shared by Adamany and Agree who contend that disparities arise because of the unequal funding of candidates which allows the financially sound candidate to spend up to the limit while the challengers are limited by their meager resources. They note that:

> [t]he usual cause of disparities is not the number of contributions each candidate wins, but the size. If all private contributions are small, the disparities in funding--public and private--will be small.[27]

The empirical evidence of the 1984 Canadian Federal Election would tend to support this theory. Total contributions to winning candidates averaged more than 2.5 times the average of all candidates and nearly 4 times the average of the unsuccessful candidates of all parties.

---

[26] H.E. Alexander, Money in Politics (Washington: Public Affairs Press, 1972), at 232 [hereinafter referred to as Alexander (1972)].

[27] Note 3 supra, p. 61.

A partial cure for this situation is the provision of public subsidies on top of private donations. This has the effect of reducing the financial inequalities.

> The problem of money in politics has taken on a new urgency in the American politics of the 1980s. The development of communications technology and campaign techniques has made the political impact of money even more potent and the political consequences of meager financial resources even more devastating. Financial inequalities pose a pervasive and growing threat to the principle of "one person, one vote."[28]

Any effective system of limitations on expenses must include:

(1) comprehensive definitions of key terms such as "election expense" or "volunteer labour";

(2) practical limits on allowable expenditures;

(3) prohibitions on spending by anyone other than authorized entities; and

(4) full reporting of all spending details by parties and candidates.

In Canadian politics, spending bodies exist at both the federal and provincial wings of a single party, at the constituency level and at the level of the candidate him/herself. Limitations must monitor the financial relationships which exist between these bodies. As well, legislators have had to decide whether to apply statutory spending limits only to the campaign period or to expand their application to inter-election financing in order to bring stockpiled assets into the ambit of the limiting provisions.

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[28] J. Shelly Wright; "Money and the Pollution of Politics: Is the First Amendment an Obstacle to Political Equality," 82 Columbia Law Review (1982) 609, pp. 609-610.

The most powerful criticism of expenditure limitations is that those limitations stifle vigorous campaigns, impede public debate on issues of critical importance, discourage citizen participation and tend to favour incumbents seeking re-election. As well, in certain circumstances expenditure limitations are interpreted by the courts to be an infringement of rights which are enshrined in the constitutional legislation applicable in the jurisdiction. An alternate method of limiting expenditures has been suggested from time to time, namely, shortening the campaign period. In theory, the shorter time frame would reduce total expenditures because less time is available for money to be spent. In practice this approach would probably result in a more intensive expenditure of campaign funds as competing parties seek to get their messages across. The net result would probably be a similar level of expenditure condensed into the new time limits.

A further consideration arises as to whether the limits should be fixed by the legislators at a constant amount or whether it should be indexed to reflect the increasing cost of living. As Alexander puts it:

> If the political system is to be open and responsible to challenge, limitations are undesirable because they tend to favour the status quo....One key goal of the political system should be intense competition because that helps to make the system more responsive. Limitations tend to reduce opportunities for voters to hear

> about candidates and issues. Periodic electioneering helps to structure and politicize society--an essential to the functioning of a democracy. Reducing expenditures reduces opportunities for voters to learn that the political season is on.[29]

(d) PUBLIC FUNDING

> The principle is to prevent politics from becoming the preserve of the wealthy...[W]here the policies of a candidate or political party are supported by a significant number of voters, [they] should be assured of having reasonable means to finance the communication of those policies.[30]

As is the case with expenditure limitations, public funding has a primary role in helping individuals to run for office who would otherwise be unable to do so because of limited financial resources. In considering the issue, the Congress of the United States put it this way:

> [I]t is clear to us that contribution and expenditure limits which would check excessive influence of great wealth cannot be effectively and fairly implemented without a comprehensive system of public campaign financing.[31]

---

[29] Note 26 supra, p. 233.

[30] Speech by Roland Penner, Attorney-General of the Province of Manitoba, introducing debate on the provincial public funding bill in June 1983 quoted in editorial entitled 'Direct Public Funding of Election Campaigns (Manitoba),' Winnipeg Free Press, September 7, 1985, p. 7.

[31] 1974 U.S. Code Cong. § Ad. News 5587.

The sole purpose of campaigning is to inform the electorate about the position of the candidates on various issues. In light of spiralling campaign costs it would appear that access to public office is becoming dependent upon a candidate's financial means rather than the worthiness of his/her political stance.

Subsidies take a variety of forms. The most common are reimbursements, either full or partial, and tax incentives. Specific or indirect public funding can also be provided in the form of free or subsidized use of postal or broadcasting facilities. Subsidies can be extended to parties, individual candidates or independent political organizations. The system of tax incentives currently in place include tax deductions and tax credits. Tax credits apply to taxable income, whereas tax deductions go towards the reduction of actual tax payable. In the scheme of a progressive taxation system, tax deductions have been attacked as offering greater relative savings to upper income earners. In both cases, however, the effect is to stimulate contributions to parties and candidates at the expense of public revenue.

Direct reimbursement schemes generally have some minimum requirement which parties or candidates must meet to qualify. The requirement is usually the degree of public support the party or candidate received in the previous election measured by the percentage of the popular vote received. Critics of this system, such as Keith Ewing, maintain that:

> [C]omprehensive campaign finance reform is trapped by the legal system. The court will anxiously preserve formal political equality from the effects of economic inequality. But it is either unprepared or unwilling to go further and assess the impact of unequal distribution of

> resources on the content of formal political freedom. The quality of political freedom is simply not an issue which the court has developed tools to assess. It would be unrealistic to expect the court to develop such tools for quite simply it is beyond its province and would indeed be an illegitimate exercise of the judicial function. The role of the courts in western democracies is a reflecting and restraining one.[32]

Once the minimum requirement is met the subsidy is then paid directly to the party or candidate on either a "one-time" basis or annually. Reimbursement schemes based on percentage of votes polled have their detractors in that these techniques tend to favour the status quo. A further criticism is that the reimbursements are paid out after the campaign, thus failing to meet immediate financing needs and imposing a system of expenditure planning upon parties and candidates that could lead to unexpected debts should the candidate fail to qualify.

In all public funding systems, there is the implicit concern that rising costs, especially in the area of mass communications, have increased the dependence of political parties and candidates on financial resources. Public funding systems therefore encourage needy candidates to mount at least a minimal campaign for public office. They also spread the burden of financing the democratic process more equitably among the governed.

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[32] Keith D. Ewing, "Campaign Financing: A Dilemma for Liberal Democracy," (Public Law Workshop held November 1982, Osgoode Hall Law School), p. 56.

Given these reform aims, total public funding for all aspects of election campaigns has been advocated. An apportionment formula dependent upon past electoral results can prove to be unfair. If the amount of the subsidy is based upon previous votes received by the candidate's party, incumbents would receive more money than challengers, who are already at a disadvantage for other reasons.[33] On the other hand, if all parties are treated the same, in the same manner, the effect would be to favour minority parties at the expense of major parties.[34]

A further complication arises with respect to independent candidates, i.e. "Parties of One." The Ontario Commission on the Legislature concluded that:

> [T]otal public funding would either eliminate the independent as a part of our political process or it must, willy-nilly, allow those seeking mere notoriety or self-aggrandizement access to the process at public expense.[35]

In addition, a new party might not qualify for a subsidy based on the votes it received in the previous election, whereas a minor party might be subsidized long after its political activity had peaked.

Direct subsidies involve the allocation of sums of money by the state to political parties and/or candidates. There are two basic types of allocation techniques: the "subjective" mode, where the taxpayer indicates preference, and the "objective" mode, where apportionment is according to some standard. The Barbeau Committee examined both schemes and concluded:[36]

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[33] Note 26 supra, p. 238.

[34] Third Report of the Ontario Commission on the Legislature (Toronto: Queen's Printer, 1974), p. 10 [Camp Report].

[35] Ibid.

> 1. "Subjective Modes of Allocation Among Parties: Grants and Subventions:
>
>   (a) Tax "Earmarking": Within the category of subjective modes of allocation, several specific techniques are possible. A special tax could be levied for political subsidies, and this set portion of a taxpayer's tax, say 1/2%, could be earmarked by the taxpayer for a certain political organization.
>
>   (b) "Matching": Alexander's "matching" plan is also designed to make government subsidies correspond to citizens' preferences.[37]
>
> 2. "Objective" Modes of Allocation Among Parties: Grants and Subventions:
>
>   (a) According to Seats Held or Votes Received: The "objective" standard of the number of seats held in the previous election solves the problem of defining eligibility of parties, but it does bias the system in favour of established parties at the expense of new ones. Allocating grants according to votes received rather than seats won lends a little more flexibility.

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[36] Note 7 supra, pp. 181-182.

[37] H.E. Alexander, "A Matching Incentive Plan," in H.E. Alexander, ed., Money for Politics: A Miscellany of Ideas (Princeton: Citizens' Research Foundation, 1963), Study No. 6, p. 40-41.

> If, however, grants are given to candidates, too, the question of eligibility again arises, and again some balance has to be struck between consolidating the status quo, and encouraging the splintering of parties.
>
> (b) Reimbursement: One solution is to make the subsidies as reimbursements...being contingent on the candidate's receiving a certain percentage of the popular vote. This system would also serve to encourage reporting of expenditures.

These methods are not without their shortcomings, however. The tax earmarking scheme suffers in that it requires a comprehensive administrative set up to track and distribute the funds. Under the matching plan, a party could simply deposit a large donation in several small portions, thus increasing the amount of subsidy payable. The administrative burden of safeguarding against this would be great, and, in any event, it would be unlikely that such practices could be prevented. The objective methods either favour the status quo at the expense of newly emerging parties, or leave the candidates with the basic problem of obtaining funds prior to the election to finance immediate needs.

Political parties, although able to receive funds during the campaign periods, must still raise and spend money between elections, relying on their traditional sources of funds for these purposes. In Manitoba the Law Reform Commission concluded:

> A state subsidy would help to relieve this dependence and it would augment the effect of tax incentives in spreading the financial support of parties over a wider popular base.[38]

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[38] Note 18 supra, pp. 46-47.

Indirect subsidies generally take the form of money for specific purposes, or of the free use of facilities such as television or postal services. These non-monetary subsidies require complicated and detailed regulation. Although grants in kind leave little room for misuse by the recipients.

Tax benefits may take one of two forms: tax deduction, or, tax credit. Herbert E. Alexander has analyzed the objectives of tax benefit schemes as follows:

> Two key arguments favour the adoption of tax benefit as a stimulant to political contributions. First, it is argued that it would provide the incentive of actual monetary benefit to contributors; second, that there is a certain psychological persuasiveness in the idea of tax exemption which in effect signifies official government encouragement of the gift that is being solicited.[39]

In a progressive taxation system the deduction would result in a greater relative and absolute saving for those in an upper income level than those in a lower level. Thus it favours those political parties appealing to the wealthier classes. In analyzing the tax deduction in a progressive taxation system, Alexander argued that its impact would be inequitable and that such an incentive would not be likely to effect the desired increase in political donations.

A tax credit scheme, on the other hand, avoids this problem. The taxpayer simply allocates part of his/her assessed income tax to the support of a political party or candidate. The problems encountered are of a technical rather than of a political or ideological nature. A highly successful tax credit system, for example, might result in a loss of revenue to the state. Also, making political contributions eligible for a credit rather than a deduction would require a separate accounting on income tax returns.[40]

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[39] H.E. Alexander, Tax Incentives for Political Contributions? (Princeton: Citizens' Research Foundation, 1961), Study No. 3, p. 11.

(e) PENALTIES AND ENFORCEMENT

> [T]hree principles must be recognized and accepted in any program to reform campaign finance. First, no scheme can be successful which avoids the issue of providing an alternative to the traditional sources of election funding. Second, the pressure of an alert and watchful public opinion is essential to the maintenance of the probity of the electoral system. Third, general statements of intent and toothless hopes for good behaviour are empty and misleading gestures contributing to cynicism.[41]

If election finance laws are expected to be effective they must be enforced by the body charged with the responsibility of overseeing their implementation. This fact has often escaped the attention of lawmakers.

The first requirement for the enforcement of political finance laws is that the laws themselves be capable of enforcement. Ease of proof is an essential requirement for a workable enforcement scheme.[42] Regardless of intent, laws have been unenforced, through undue complexity, inadequacy or sheer unenforceability. While technical offences are less severe and are based on strict liability, substantive offences require the more difficult proof of intent.

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[40] Note 7 *supra*, p. 177.

[41] K.Z. Paltiel, *Party, Candidate and Election Finance: A Background Report*, Royal Commission on Corporate Concentration, Study No. 22 (Ottawa, July 1976), p. 108.

[42] Note 18 *supra*, p. 68.

The second requirement for effective limitations is an unbiased and vigorous enforcement of the law. The Barbeau Report in 1966 recommended the establishment of a separate and independent enforcement office, largely because of the perceived impropriety of involving the Chief Electoral Officer in a potentially controversial decision to prosecute a party or candidate. Ideally the body charged with enforcement would be non-partisan and independent of the influences of the party in power. Enforcement by a government department would threaten the potential for abuse. A similar rationale supports the view that the independent Commission itself should be able to proceed with prosecutions for violations of the Act. Special heed should be paid to bodies charged with both the day-to-day administration of the political finance laws and the enforcement of those laws. This "double duty" creates a danger that the enforcement aspect will be swamped by the deluge of detail necessary to administer the laws.

The final requirement is that the penalties for non-compliance be severe. This has drawn almost unanimous approval. In this respect the Barbeau Committee concluded that:

> [T]he penalties for failure to comply with the proposed legislation must be severe. The entire purpose of this Report and its recommendations will be defeated unless the system proposed is rigorously policed and persons and parties prosecuted for infractions. The penalties must reflect the seriousness of each breach, and thus encourage compliance with the provisions.[43]

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[43] Note 7 supra, p. 61.

Enforcement can also be facilitated by linking the receipt of subsidies and/or reimbursements to full compliance which has been documented by the independent body from the disclosures contained in the required statements.

PART TWO

SYNOPSIS OF ELECTION FINANCE LEGISLATION IN CANADA TO 1988

At the time of Confederation, Canadian election law dealt only with the prohibition of corrupt practices such as treating and bribery. The first reform steps arose out of the Pacific Scandal of 1874, which involved the acceptance of a large donation by the governing Conservative Party from a private interest seeking a government contract. In the Dominion Elections Act of 1874,[44] the doctrine of agency was adopted. A single agent was vested with legal responsibility for the use of campaign funds and both candidate and agent were required to produce a statement of account with respect to how and where campaign funds were spent.

Under the 1874 Act, full disclosure was not compellable and the entire area of fund collection, as opposed to fund expenditure, was not dealt with.[45] The 1874 Act made no attempt to deal with the fact that funds were collected and expended by the central party, which also served as the main financial support of constituency level campaigns. Reporting at the constituency level was required only when the party leader or fund-raiser was himself a candidate.[46] The failure to acknowledge the reality of political parties as the main conduit of campaign funding persisted for another one hundred years.[47]

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[44] S.C. 1874, c.9.

[45] J.P. Boyer, Money and Message: The Law Governing Election Financing, Advertising, Broadcasting and Campaigning in Canada (Toronto: Butterworths, 1983), p. 1.

[46] Note 41 supra, p. 12.

[47] Note 45 supra.

The absence of any control mechanism or meaningful sanctions in the 1874 Act were fatal to the purpose of the Act.[48] While monetary penalties and misdemeanour sanctions were provided for candidates and agents wilfully making untrue statements, the initiative for the filing of complaints was left to the public at large. No means were provided by law for checking the accuracy of statements, no government official or independent agency had authority to investigate alleged violations of the Act and the Act made no provision for the collection, tabulation or publication of records.[49]

The Act was amended in 1891[50] to declare it a corrupt practice for anyone to aid a candidate in return for "valuable consideration," money, or the assurance of "any office, place or employment." Further amendments to the Act in 1906 prohibited Americans from assisting in Canadian elections. In 1908, the Act was amended to prohibit corporate contributions.[51] This ban on corporate contributions emerged from the short-lived, agrarian-based Progressive Movement in North America and its natural antipathy for the Eastern "money power" base. This prohibition did not prove to be an obstacle to the business community, however. Since political parties remained undefined in law, corporations were in violation only if contributions were made directly to candidates. No prosecutions were brought under this amendment.[52]

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[48] Note 7 supra, p. 17.

[49] Note 41, supra, p. 13.

[50] An Act to Further Amend the Dominion Elections Act, S.C. 1891, c.19, s.14.

[51] An Act to Further Amend the Dominion Elections Act, S.C. 1908, c.26.

[52] Note 45 supra, p. 6.

A further amendment in 1920 included all companies and associations in the ban on corporate donations, regardless of incorporation.[53] This brought trade unions under the law.

Prior to 1974, election expenses in Canada at the federal level were governed by the old Canada Elections Act.[54] Candidates were required to designate an official agent through whom all expenditures save personal expenses up to $2,000 were to be paid. All contributions to the candidate had to be made through the official agent. Detailed sworn statements of a candidate's election financing were to be submitted to constituency returning officers by the candidate's agent within sixty days after election day, accompanied by a declaration by the candidate confirming his or her agent's statement. The constituency returning officer was under an obligation to publish sworn statements, in summary form, in a newspaper serving the constituency concerned. All supporting documents submitted were to be available for public inspection for a six month period at a nominal charge.

Penalties for failure to file a report included a maximum fine of $500 or imprisonment up to one year or both. Failure to pay the fine could lead to a maximum prison term of three months. The law also stipulated that a sitting member could be fined for each day he or she sat in the House without having submitted a report. Wilful falsification of reports was an indictable offence which could also lead to disqualification from sitting in the House for seven years for a corrupt act and five years for an illegal act. These penalties were applied to the candidate if the offence was committed by the official agent with the candidate's knowledge.

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[53] Dominion Elections Act, S.C. 1920, c.46, s.10.

[54] R.S.C. 1970, c.14, (1st Supp.).

A major problem with all legislation passed up to 1974 was enforcement. In its working paper, the Manitoba Law Reform Commission concluded that the record of enforcement of this type of legislation in Canada "is so perfect in its display of abysmal neglect that it points to a conspiracy against prosecutions, at least among the politicians."[55]

Aside from the problem of enforcement, the pre-1974 law virtually ignored money passing through national or provincial party organizations. The candidate's declaration, if filed, revealed little of the true funding and expenditure picture. Small local donations and large sums received from party associations and national fund-raisers were lumped together on reporting sheets, precluding accurate analysis.[56] As well, there was no provision for the disclosure of large givers or the itemization of national party spending. While the government was prepared to pay the cost of voter enumeration, of poll-workers and of free time partisan broadcasting on the Crown-owned Canadian Broadcasting Corporation, no direct public subsidies existed. Indirect subsidies such as tax advantages for partisan donations were also non-existent. Finally, candidate declarations were never verified, and public disclosure of these declarations came too long after polling day and in too fragmented a form to be of much use or interest.[57]

The movement for reform which culminated in the election financing regulatory framework of the mid-1970s began in the 1960s. At the federal level, five election campaigns between

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[55] Note 18 supra, p. 67.

[56] Note 41 supra, p. 17.

[57] Ibid., p. 18.

1957 and 1965 had strained party funds to the breaking point. The rise in the cost and importance of television in an election campaign compounded this problem. At the provincial level, impetus was given to calls for federal reforms by the pioneering legislation enacted in Quebec in 1963, which introduced spending limits and public subsidies for candidates and gave formal recognition to political parties for their role in the funding structure.[58]

As a result, a federal Advisory Committee on Election Expenses was appointed on October 17, 1964. Chaired by Alphonse Barbeau, the Committee was a response to growing public disquiet about the source of party funds and, in part, followed the demand by some political leaders for reforms which would check the sharp rise in election costs and obviate the need for recourse to special and even questionable interests for financial support.[59] The final report of the Committee was tabled in the House by the Secretary of State on October 11, 1966. Recommendations included bringing parties under the law as responsible bodies; broadening the base of political participation through a system of subsidies; reducing overall election costs by means of the institution of shorter campaign periods and media spending limits; requiring complete disclosure by candidates; and enforcement, auditing and publication through a separate office to be called the "Registrar."[60]

The issue arose again in 1971 with the Second Report of the House of Commons Special Committee on Election Expenses.[61] This report made fifty-two recommendations largely supporting the conclusions of the Barbeau Report. The idea of a "Registrar" separate from the Chief Electoral Officer was rejected, however.

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[58] S.Q. 1963, c.13.

[59] K.Z. Paltiel, Political Party Financing in Canada (Toronto: McGraw-Hill, 1970), p. 134.

[60] Note 7 supra, p. 37.

[61] Note 9 supra.

Following the 1972 general election, Bill C-203 was introduced in the House. Two major factors influenced the content and the passing of this Bill, which was destined to become the Election Expenses Act, 1974.[62] The first factor was the awareness by the public of questionable fund-raising practices in the United States which resulted from the "Watergate" scandal. This was compounded by the fact that, prior to 1974, Nova Scotia, Manitoba and Saskatchewan had implemented spending controls in provincial contests and that in 1972 the Ontario government had asked the Ontario Commission on the Legislature to study campaign financing reform.[63] Under the circumstances, the Legislature considered that action should be taken quickly to prevent public cynicism and alienation.

The second factor which led to the passing of the Election Expenses Act was the political reality of a minority government situation. The New Democratic Party held the balance of power and was consulted extensively both before Bill C-203 was introduced and during its passage. The New Democrats were firm in pushing for comprehensive disclosure legislation revealing the source and amount of campaign contributions. They also wished to exclude "volunteer labour" from election expense provisions.. In return for these concessions, the minority Liberal government ensured that gifts in kind (which encompassed valuable trade union organizational skills and personnel used by the New Democrats) were included in the Act's restrictions. As well, any "volunteer" providing a service from which he/she normally earned his/her livelihood would be caught by the contribution provisions of the Act.

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[62] S.C. 1973-74, c.51, as amended by S.C. 1977-78, c.8.

[63] K.Z. Paltiel, "Campaign Financing in Canada and its Reform" in H.R. Penniman, ed. Canada at the Polls: The General Election of 1974 (Washington, D.C.: American Enterprise Institute, 1975), pp. 200-201.

Provincial reforms in this period were equally wide-sweeping. Following the passage of the first Quebec reforms in 1963,[64] Nova Scotia enacted the Quebec plan with certain changes. Manitoba also enacted comprehensive disclosure provisions and a ban on corporate contributions. Following the report of the Camp Commission on the Legislature (Third Report) in September, 1974, Ontario enacted detailed laws under the Election Finances Reform Act.[65] Alberta patterned its new law[66] on the Ontario legislation, with the deletion of an independent supervisory commission.

Concurrent with the passage of the Alberta legislation in 1977, the Parti Québécois Government in Quebec passed extensive amendments[67] to its election finance laws banning corporate and union political contributions completely and instituting the most comprehensive system of public funding in Canadian jurisdictions. Administration and enforcement warranted the creation of a separate election officer exclusively responsible for these duties. In British Columbia, although reform was advocated in

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[64] Note 58 supra.

[65] R.S.O. 1980, c.134 (repealed by S.O. 1986, c.133, s.56).

[66] The Election Finances and Contributions Disclosure Act, S.A. 1977, c.18.

[67] An Act to Govern the Financing of Political Parties, S.Q. 1977, c.11; as amended by S.Q. 1977, c.12.

1978 in a Royal Commission report,[68] the only changes made involved allowable tax deductions in connection with political contributions.[69]

As the 1980s began, Manitoba enacted new laws which did not regulate contributions, yet placed limits on media spending, allowed tax credits for contributions and created a separate Elections Commission to administer and enforce provisions. In June 1981, Nova Scotia added a tax deduction scheme to its provisions. Both Saskatchewan and New Brunswick amended their election reform legislation in 1980-81,[70] and, in the same period, Newfoundland and Prince Edward Island were preparing draft legislation.

In 1983, provincial legislation was changed significantly. Both Quebec and Manitoba abolished the separate administrative bodies originally set up to deal expressly with election finance legislation. Quebec attained the further distinction of being the first jurisdiction to formally take its campaign finance legislation out of the ambit of the new Canadian Constitution.[71] In addition Prince Edward Island proposed a bill incorporating public financing and reimbursement schemes, as well as strict controls over party and candidate expenditures.[72]

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[68] Report, Vol. IV, Royal Commission on Electoral Reform, 1978 (Victoria, 1978).

[69] Income Tax Amendment Act, 1974, S.B.C. 1979, c.12; now incorporated into the Income Tax Act, R.S.B.C. 1974, c.190.

[70] The Election Act R.S.S. 1978, c.E-6, as amended by R.S.S. 1978, c.C-51.1 and 23; S.S. 1979, c.69; S.S. 1979-80, cc.61 and 92; S.S. 1980-81, cc.53 and 83; S.S. 1982-83, cc.16 and 33; S.S. 1983, cc.66 and 80; S.S. 1984-85, c.38; R.R.S. c.E-6 Reg 1. Political Process Financing Act, S.N.B. 1978, c.P-9.3; as amended by S.N.B. 1978, c.82; S.N.B. 1979, c.41, S. 95; S.N.B. 1980, c.40; S.N.B. 1981, c.6; S.N.B. 1981, c.60; S.N.B. 1982, c.3, s.57; S.N.B. 1986, c.65.

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[71] Note 67 supra, as amended by S.Q. 1978 cc.6, 13, and 15; S.Q. 1979, cc.37, and 56; S.Q. 1982 cc.17, 21, 31, 54, and 62, s.125.

[72] R.S.P.E.I. 1974, Cap. E-1.1, as amended S.P.E.I. 1983, c.12; S.P.E.I. 1985, c.14.

(1) FEDERAL

As outlined above the Federal Law governing election finances was altered substantially in 1974 when the Canada Elections Act[73] and the Income Tax Act[74] was amended by the Election Expenses Act.[75] Since 1974, reforms have been aimed primarily at the administrative framework while the basic premise of the legislation has remained the same.

An ad hoc committee was established in February, 1974 to deal with the administrative implications of the Election Expenses Act. The committee met at regular intervals to consider the implementation of the Act, approve guidelines and comment upon the drafts of forms and manuals prepared by the Chief Electoral Officer's staff.[76] Effectively, the ad hoc committee clarified the legislation making it understandable and administratively feasible. The committee became a vehicle for communications between the parties, the party organizations, and the office of the Chief Electoral Officer (CEO).

The discussions conducted by this committee have clarified many of the controversies that have arisen since its enactment. These include the definition of "auditor" and "voluntary labour" and the use of local riding association funds by candidates. As well, many provisions of the Election Expenses Act created new responsibilities for the Canadian Radio-Television and Telecommunications Commission (CRTC) and the Department of National Revenue (DNR). Thus, the CRTC, DNR and Canadian Broadcasting Corporation (CBC) also contributed to the committee's discussions concerning the refinement of broadcasting and tax guidelines pertinent to the new election laws.

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[73] R.S.C. 1970, c.14 (1st Supp.); as am. by R.S.C. 1970, c.10 (2nd Supp); S.C. 1973-74, c.51; S.C. 1974, c.5; S.C. 1974-75-76, cc.19, 48 and 66; S.C. 1977-78, c.3, 8; S.C. 1978-79, c.11; S.C. 1980-81-82-83, cc.47, 50, 54, 96, 164; S.C. 1984, c.41.

[74] R.S.C. 1970 c.I-5 as amended.

[75] Note 62 supra.

[76] Note 45 supra, p. 59.

The process of amending the Canada Elections Act (which embodies the Election Expenses Act) has remained largely the same between 1974 and 1988. Proposed amendments put forward by the Office of the Chief Electoral Officer are studied by the standing Committee on Privileges and Elections. Provisions of the Act dealing with election financing are, for the most part, looked at by the ad hoc committee. This amending process, having a degree of partisan input at the initial levels, is best suited to strengthen the desire to see the Act work as it was intended. By involving party organizations in the resolution of problem areas, the parties themselves have a vested interest in the smooth functioning of the campaign financing system.

(a) PARTY REGISTRATION AND AGENCY

While the concept of agency is not new to elections legislation, it was greatly extended in the 1974 Act. Political parties as well as candidates are now required to name a chief agent or official agent as the case may be and register the person's name with the Chief Electoral Officer. Through the concept of agency, public accountability is imposed upon parties, and any infraction of the Act committed by parties can lead to prosecution and fines of up to $25,000.

Since 1977, when amending Bill C-5 was passed, each new party applying for registration must supply the names, addresses, occupations and signatures of 100 electors who are members of the party. For a party to be registered for any election at hand, its application must be received prior to 60 days before the issuance of the writ of election. Party registration can only come into effect thereafter if the party has nominated at least 50 candidates at the next general election.

The candidate continues to bear the most responsibility under the Act. He/she must ensure that they are fully aware of the activities of the people to whom authority has been delegated.[77] The candidate's official agent must be most familiar with all aspects of the election expenses provisions and must maintain complete control over receipts and disbursements related to the election. The official agent is the only person who can authorize payment of the costs of the campaign.[78]

(b) CONTRIBUTIONS

The Canada Elections Act allows contributions from individuals, corporations, trade unions, unincorporated organizations and associations, partnerships, trusts, governments and political parties.[79] The Federal Act differs in this respect from other jurisdictions in that most only allow contributions from individuals, corporations and trade unions. It should be noted that the Income Tax Act defines "amount contributed" as cash or negotiable instruments, thus, receipt for income tax purposes cannot be issued for services rendered or contributions in kind.

Money contributed for any election expense must be paid by the contributor personally to the registered agent of the party or the official agent of the candidate (s.65(4)(b)). The exception to this rule is money spent by the candidate out of personal funds for personal expenses. Contributions may only be accepted between the date of writ and up to 30 days after polling day (for those contributions in transit on polling day). Anonymous contributions cannot be kept but must be turned over to the Receiver General for Canada (s.13.1(7)(a)). The primary aim of the federal law is not to restrict the size or source of contributions but to provide full disclosure when they exceed $100. Contributions of less than $100 are grouped together and reported as such.

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[77] Ibid., p. 62.

[78] Ibid.

[79] Ibid., p. 64.

Unlike provincial jurisdictions, the Canada Elections Act does not place restrictions on contributions from outside Canada. Furthermore, political groups in the provinces may make donations to federal parties and candidates although some provinces (specifically, Ontario and Alberta) restrict the amount of allowable intra-party transfers. While there is no limit on the amount of money that can be contributed there is an upper limit on the tax credit received for income tax purposes. Tax credits up to a maximum of $500 are available for political contributions; therefore, the maximum tax advantage is reached with a contribution of $1,150. The tax credit is available to individuals and corporations but not to unions as they do not pay income tax. The tax credit is calculated as follows:

(1) 75% of total contributions if under $100;

(2) if between $100 and $550, $75 plus 50% of the amount of the contribution between $100 and $550; and

(3) if greater than $550, $300 and 1/3 of the excess of the contribution greater than $550.

The total credit cannot exceed $500.

Only a party's registered agent or a candidate's official agent may issue an official receipt for income tax purposes and the political contribution may only be used as a tax deduction in the year in which the contribution was made.

Parties and candidates often organize fund-raising dinners or other social events. When a candidate or a registered party holds or sponsors a social function and when the patrons are notified that part of the cost is a contribution, the amount of the contribution is recognized as the total payment less a fair amount for admission. The registered or official agent must assess the cost of the function and maintain records for a possible future audit by Revenue Canada officials.[80]

Section 127(3.2) of the Income Tax Act requires the official agent to forthwith deposit the amount contributed and received in an account standing to the credit of the official agent in his or her capacity. Section 230.1(1) requires the registered and official agent to maintain records and books of account so that contributions received and expenditures made may be verified.

(c) EXPENDITURES

The general aim of imposing ceilings on spending is to facilitate the election of any citizen to the House of Commons and to remove the possibility of overwhelming expenditures. Thus the Canada Elections Act imposes limitations on both parties and candidates with regard to expenditures. No payment can be made by or on behalf of a registered party otherwise than by or through a registered agent of the party (s.13.1(7)(b)). All payments of $25 or more made by or through a registered agent require a voucher stating the particulars (s.13.1(10)). Similarly, the official agent of the candidate is the only person who may make payments on behalf of the candidate (s.62(4)). A contravention of these restrictions is a violation against the Act. Where a chief agent has exceeded the limit on election expenses and is guilty of an offence against the Act, s.13.2(2) imposes liability on the registered party as well for a fine not exceeding $25,000 on summary conviction.[81]

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[80] Ibid., p. 69.

The expenditure ceiling on registered parties is determined by the formula set out in s.13.2. This amount is equivalent to 30¢ multiplied by the number of names on the preliminary voting lists in all districts in which the party is running an official candidate. Candidate expenditure is limited by s.61.1 of the Act. The amount is determined by adding:

(1) $1 for each of the first 15,000 names appearing on the preliminary list of electors;

(2) 50¢ for each name in excess of 15,000 but less than 25,000; and

(3) 25¢ for each name in excess of 25,000.

Section 61.1(2.1) increases the basic non-indexed spending limits by an amount of $0.15 for each square kilometre in districts where the density of electors for each square kilometre is less than 10. Also section 61.1(4) raises the non-indexed spending limits in ridings where the number of names on the preliminary list of electors is below the average of all electoral districts. The overall expenditure limits are indexed for inflation based on the Consumer Price Index. Several items are not included as expenditures for the purposes of s.61.1. They include the candidate's personal expenses as designated by the CEO.

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[81] Ibid., p. 76.

A concern for administrators is how to regulate the activities of third parties during elections.[82] Section 70.1 of the Canada Elections Act states that no one except a candidate or a party may incur election expenses. This broad rule was mitigated by an exception in subsection 70.1(4). This section provides a defence if a person charged established that he/she incurred the expense for "the purpose of gaining support for views held by him or her on an issue of public policy" or for advancing the aims of any non-political organization in which he/she was a member and for whom the expenses were incurred.

These provisions lasted until 1983, when the s. 70.1(4) defence was removed from the Act. This amendment was quickly and unanimously enacted in 1983 as part of Bill C-169. In 1984 the National Citizens' Coalition launched a suit against the Attorney General of Canadà in the Alberta Court of Queen's Bench challenging the constitutional validity of ss. 70.1(1) and 72 of the Canada Elections Act. Mr. Justice Medhurst struck down both sections as being inconsistent with the Canadian Charter of Rights and Freedoms. Though the decision was binding only in Alberta, the Commissioner of Canada Elections decided that since he could not enforce the section in Alberta he would not enforce it anywhere in Canada in order to maintain uniformity.

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[82] Political Financing: Studies on Election Spending Limits and Party Leadership Campaigns (Commission on Election Contributions and Expenses, 1986), p. 31.

As a result, s. 70.1 has become a paper tiger, still in effect in all jurisdictions except Alberta but unenforced by the Chief Electoral Officer. It is now easier than ever for single issue organizations and interest groups to go beyond promoting the issue they favour to become directly involved in the support or opposition of parties or candidates during election campaigns.[83]

(d) REIMBURSEMENTS

Provided that parties and candidates comply with reporting and registration requirements, they are entitled to two forms of partial reimbursement of expenses.

Under s. 63.1 of the Act, candidates who have submitted their auditor's report and personal declaration to the Chief Electoral Officer and who have been elected or have obtained at least 15% of the votes validly cast in their ridings, qualify for a reimbursement of 50% of their actual election expenses to a maximum of 50% of their expense limits. Regardless of whether the candidate achieves the 15% threshold to qualify for reimbursement, his/her auditor is entitled to reimbursement for his/her fees calculated on the basis of 3% of the election expenses with a minimum of $100 and a maximum of $750. The Act also stipulates that registered parties will be entitled to a reimbursement of 22.5% of their actual election expenses incurred, provided that the party has spent more than 10% of the maximum limits.

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[83] Ibid., pp. 31-33.

(e) DISCLOSURE AND REPORTING

One of the concerns of the Canada Elections Act is to ensure that parties and candidates provide full disclosure of their contributions and election expenses. Payments by both parties and candidates must be vouched for by a bill stating the particulars and by a receipt unless the bill is less than $25. The source of contributions exceeding $100 must be publicly identified. Moreover, the Act requires parties and candidates to appoint auditors. Their function is to determine whether the return presents fairly the information contained in the accounting records on which the return is based.[84] An audited statement of party expenses must be filed within six months of a general election and candidates must file detailed returns of election expenses within four months of polling day. Parties must also file an audited annual return with the Chief Electoral Officer six months after the end of the party's fiscal year.

To enforce the provisions of the Canada Elections Act, the Chief Electoral Officer is required by s. 70(3) to appoint a Commissioner of Canada Elections to ensure that the provisions of the Act are complied with and enforced.[85] No prosecutions for an offence under the Canada Elections Act or under s. 115 of the Criminal Code may be instituted without prior consent in writing of the Commissioner.

(f) BILL C-79

On June 30, 1987 Bill C-79 was tabled in the House of Commons. The Bill proposes major amendments to the Canada Elections Act and deals primarily with administrative procedure. It contains many of the recommendations included in the White Paper on Election Law Reform of June 1986 which, in turn, was based largely on recommendations made by the Chief Electoral Officer of Canada over the last six to seven years.[86] If enacted, the Bill will greatly affect the administration of Federal elections and the operation of the Office of the Chief Electoral Officer.

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[84] Note 45 supra, p. 86.

[85] Ibid., p. 102.

One of the proposals of Bill C-79 directly targets local associations. Currently, these associations are not defined in the legislation, nor are they required to report on their activities or the uses made of the funds they receive. Due to the absence of a reporting requirement, it is possible that a candidate, through his or her control of the local association, could use the funds to cover expenses not within the purpose for which the funds were originally contributed. If enacted, Bill C-79 would require local associations to be defined in the legislation and to register under the Act. Thus they would be amenable to disclosure requirements which impose public accountability.[87]

In his 1986 Statutory Report, the Chief Electoral Officer of Canada, J.M. Hamel, stated that "the present definition of 'election expenses' is so vague and imprecise that its application to various sections of the Act has become extremely difficult."[88] Thus a more precise definition is needed. Bill C-79 amends s. 2(1) to include the commercial value of printed material mailed during an election and defines 'broadcasting period' but does nothing to clarify 'election expenses' itself.

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[86] "Changes proposed to Canada Elections Act," Contact Elections Canada, August 1987, Number 64, p. 2-3.

[87] Ibid.

[88] 1986 Statutory Report of the Chief Electoral Officer of Canada, p. 10.

An important provision of Bill C-79 is the establishment of the Canada Elections Enforcement Commission to be comprised of members of parliament representing the public and each political party represented in the House of Commons by at least twelve members. The purpose of the Commission is to ensure that the provisions of the Act are enforced. The Commission, after consultation with the Chief Electoral Officer, may issue directives prescribing how the Act is to be enforced. They may also obtain the assistance of the RCMP or designate a person to be an investigator for the purpose of investigating into a complaint. This provision would give the Commission flexibility to appoint investigators where it is felt to be sufficient and would give the investigators sufficiently broad power to do a proper investigation.[89] The Commission would also have the authority to prosecute an offence against the Act on their own initiative or as a result of a complaint filed with the Commission. Presently, the enforcement process at the Federal level is on a complaints received basis. However, the Chief Electoral Officer does have a policy of performing a detailed audit of every return that is within 5% of its limit which may itself stimulate an investigation.[90]

To date, there have been no changes made to Bill C-79. It has been tabled in second reading in the House of Commons but has not been referred to Committee.

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[89] Interview with Yvon Tarte, Executive Director of the Commission of Canada Elections; Ottawa, 4 August 1987.

[90] Ibid.

(g) ENFORCEMENT

As stated above, the Chief Electoral Officer is required to appoint a Commissioner of Canada Elections to perform enforcement duties. The 1986 Statutory Report of the CEO indicates that of the 567 alleged violations, there were 115 prosecutions, 90 convictions and 2 appeals.[91] The largest number of complaints regarded late filings by candidates (109 complaints). Of the 18 complaints of exceeding spending limits, 4 were prosecuted and none resulted in convictions. The report indicates that many files were closed at the initial stage because the complaint revealed no offence known to law and the evidence available did not justify prosecution or was so marginal as to make further action unjustified.

Since 1974 there has been a gradual decrease in the number of violations. Initially, some violations by parties and candidates resulted from misinterpreting various provisions of the Act. While there is still some ambiguity in the obligations imposed (particularly in the definition of 'election expense'), violations are occurring today because individuals have become braver in challenging the legislation, in finding loopholes in obligations, and in challenging the constitutional validity of the provisions.[92] In order to enforce legislation, the legislation itself must be precise so that it can be relatively easy to determine whether or not it has been violated. At the same time it must not be exhaustive or it will quickly become obsolete. In general, the main problem at the present time is the ambiguity of the provisions which makes enforcement difficult.

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[91] Note 88 supra, p. 9.

[92] Note 89 supra.

Another major difficulty with the legislation is in imposing liability. A recent case seems to indicate that if the candidate does not know about overspending in his/her campaign, he/she will not be liable. The decision suggests that "you can't convict unless you've got a fool for a candidate and even a more foolish person as an official agent."[93] The case is indicative of the court's reluctance to impose vicarious liability on individuals. Many feel that this is an improper interpretation of the statute as it clearly calls for responsibility of the candidate regardless of actual knowledge. The candidate and his official agent were both acquitted, and the decision was not appealed.

The court's interpretation of the relevant sections of the Act differs from that in a later case. In that instance the judge clearly said that although the candidate may have been innocent of all wrong doing, he/she was still responsible. The official agent and the candidate always have the ultimate responsibility for assuring that statutory provisions are not violated. The candidate was convicted and fined $200.

(h) CONCLUSION

Canadian Federal Election legislation has been amended substantially since the Dominion Elections Act of 1874. The amendments have generally been responsive to the political climate of the time and the effectiveness of previous legislation on political accountability. The fact that the Act is continually amended indicates its importance in the electoral process. The fate of Bill C-79 depends on the imminent Federal election. Whether the Bill will be passed in time to be implemented or will die on the order table remains to be seen.

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[93] Ibid.

(2) THE PROVINCES IN 1988

The following section presents a brief outline of the current status of election finance statutes in Canada. In the case of provinces where no changes have been made since the 1983 survey, the appropriate text has been substantially restated. Where changes or proposals for amendments have been made, these aspects are highlighted. For alternate access to the information contained in the text below, reference should be made to the individual synopses contained in Part V.

(a) ALBERTA

The main statute regulating campaign financing in Alberta continues to be the Election Finances and Contributions Disclosure Act[94] which has been in force since 1978. This Act regulates financing in the province by providing for disclosure and limiting contributions; however there are no provisions for expenditure ceilings under this Act. The Act is similar to other provincial legislation.[95]

While the provincial Election Act (1982) provides corrupt practice offences related to expenditures (e.g. vote-buying and treating (or entertaining voters), there are no limits on the amount of money parties and candidates may spend. Both candidates and parties are required to file statements detailing revenue and expenditures at the end of the campaign period.

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[94] R.S.A. 1980, c.E-3, amended S.A. 1984, c.48.

[95] For example S.O. 1986, c.33, as amended S.O. 1987, c.5.

The Act places size and source restrictions on political contributions and closely controls the recipients by a system mandating both registration and reporting.

All funds received by parties and candidates must be reported after campaign periods; parties also report annually. Constituency associations are required to file only annual financial statements. Section 15(3) of the Act prohibits contributors from donating to the constituency association during campaigns. Contributions may be directed either to a constituency association or party during inter-election periods. Only registered parties, constituency associations and candidates may accept contributions. All amounts in excess of $375 from a single source must be identified by the name and address of the contributor. The return must also list the total amount of all contributions under $40 and the total amount received from a contributor which in the aggregate is between $40 and $375. Anonymous contributions in excess of $40 cannot be accepted and if the donor cannot be determined, this money must be paid to the Chief Electoral Officer for remittance to the province's General Revenue Fund. All funds received and/or expended are made a matter of public record through public files, available to all electors, maintained by the Office of the Chief Electoral Officer.

Section 15(1) sets limitations on contribution size. The maximum annual contribution limit for donations to parties is $15,000; for constituencies, the limit is $750 to any one association up to an aggregate limit of $3,750. During campaigns, in addition to these amounts a further $15,000 may be given to each registered party and a further $1,500 to any registered candidate up to an aggregate limit of $7,500. These limits apply to all sources including individuals, corporations, trade unions, employee organizations and candidates' personal funds.[96]

Contributions in the form of goods and services must be assessed for the purposes of the Act according to their fair market value at the time. When goods and services are provided for less than market value, the amount of the discount is deemed to be a contribution. For social fund-raising functions, the Act sets out a formula to calculate the extent to which the ticket price or other charge is a contribution. It should be noted that funds raised at functions by other means, such as passing a hat or profits made from the sale of refreshments, are not considered contributions under the Act.

There are no subsidies or reimbursements in the current election laws of Alberta. However, as in other provinces, there are provisions for public funding through the Alberta Income Tax Act.[97] There are separate tax refund provisions for individuals and corporations. Alberta corporations may not carry forward their tax credit under that plan to subsequent tax years. Individuals may apply for the tax credit only in the year in which the contribution was made.

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[96] S. 15(4). Any money paid by a candidate out of his own funds for the purpose of his campaign is a contribution.

[97] R.S.A. 1980, c.A-17.

(b) BRITISH COLUMBIA

The regulation of elections in British Columbia is contained in the provincial Election Act,[98] the Income Tax Act and pursuant regulations.

At present, no reforms have been implemented with respect to election finances. Bill 28, The Election Amendment Act, received Royal Assent on March 11, 1988. The amendment addresses specifically election administration and is silent on election finance issues.

Existing constraints are aimed primarily at the disclosure of campaign expenditures. Both candidates and parties are required to file reports detailing campaign expenditures.[99] The only requirement of the Act is that each candidate and his/her agent (at the constituency level), or secretary and treasurer (at the party level), send a record to the Chief Electoral Officer of all expenses paid as well as any disputed and unpaid claims. This must be done within 60 days after polling day. Even this meager disclosure is further limited[100] by the fact that returning officer statements only may be examined by the public and the financial statements filed do not require verifying documentation (i.e. receipts, vouchers, etc.). The disclosure of the expenditure records to the public is not required under the Act.

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[98] R.S.B.C. 1979, c.103, as amended.

[99] Ibid., s.173.

[100] Ibid., s.139.

The entire enforcement and administration of the Act rests with the Chief Electoral Officer. That office is also responsible for the retention of records.[101] Due to the limited scope of the election financing provisions, no separate or independent mechanism for supervision is required. The minimal regulation continues despite the reforms suggested in the provincial Royal Commission Report completed in 1978.[102] The only reforms which have been implemented relate to the deductibility of political contributions for tax purposes.

Under the Income Tax Act of British Columbia, up to $500 may be deducted from taxes otherwise payable to compensate for political contributions made.[103] The calculation of the tax credit is made on a sliding scale similar to that used in the other provinces. To receive the maximum credit of $500 a contributor would have to contribute in excess of $1,150. Since the province currently places no restriction on the size of contributions made to either candidates or parties, contributions over $1,150 are possible but the tax credit is limited to $500 regardless of contributions in excess of this figure.

The definition of "amount contributed" in section 8.1(1) of the Income Tax Act does not include contributions made by party officials, or contributions between official agents.[104] Consequently, intra-party transfers are not considered contributions. Other exceptions exist with respect to the calculation of contributed amounts at fund-raising functions. It is also worth noting that no restriction exists on ex juris contributions.

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[101] The Chief Electoral Officer must retain the documents for a period of the shorter of one year or until the dissolution of the Assembly.

[102] Suggested reforms included: disclosure of names of contributors of amounts in excess of $100; a similar requirement for expenditures over that figure; a requirement for an audit.

[103] R.S.B.C. 1979, c.190, s.8.1 and "Political Contributions Regulations," B.C. Reg. 340/79.

As previously mentioned, there are no expenditure limitations imposed by the Act. There are some restrictions on the form and procedure for expenditures. Under the provisions of section 172 of the Act, a candidate's authorized agent only may pay election expenses. Payments not conforming to the requirements of this section leave the offender open to a maximum fine of $200.[105] The sole exception permitted involves the personal expenses of the candidate which are exempted.

The Act also expressly prohibits payments to election workers.[106] Again there are exemptions. A candidate's personal expenses, printing, advertising and distribution costs, stationery, postage and public meeting costs, transportation of voters, securing of committee rooms, and scrutineer expenses are expressly exempted.

In a related move, the Act bars the candidate from making any special donation or contribution.[107] There is simply a standard section for most corrupt practice legislation which is presumably designated to prevent the "buying" of votes or electoral goodwill. As noted, there is no mechanism for public disclosure of contributions in British Columbia. While party treasurers and candidate agents must keep records which the Ministry of Finance may audit or verify at any time, there is no affirmative duty to report imposed upon agents. The only government reporting is between the contributor seeking a tax deduction and the tax department. Thus, if the contributor does not seek the deduction, there is no disclosure whatsoever.

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[104] Designated individuals acting as "agents" are responsible for: receiving contributions; depositing contributions; and issuing tax receipts. An exception to the agency concept is s.67(1) of the Act which permits a candidate to act as his own agent.

[105] Note 98 supra, s.172.

[106] Ibid., s.174.

[107] Ibid., s.175.

No new reforms are contemplated at this time.

(c) MANITOBA

As of January 1, 1985 Manitoba implemented The Elections Finances Act, (also referred to as TEFA)[108] containing a number of significant changes and new provisions. This Act represented a continuation of Manitoba's tradition of election finance legislation. Long regarded as a pioneer of such legislation, the province has been involved in this area since 1924 when it became the first provincial jurisdiction to prohibit corporate contributions. In the 1950s and 1960s Manitoba had the broadest disclosure provisions in the country. In practice, however, the effectiveness of the reporting provisions was questioned by reports produced by the Manitoba Law Reform Commission[109] and by the Chief Electoral Officer. These reports provided the impetus for the Election Finances Act[110] and a totally revised Elections Act,[111] both of which were passed into law in 1980. This Act formed the basis from which The Elections Finances Act was developed.

Manitoba's Act imposes no limits on the amounts that contributors may donate to candidates or registered political parties. However, contributions from trust funds, partnerships and a variety of other organizations must be accompanied by statements which detail the original source of the funds. In addition, registered political parties and constituency associations must report the names, addresses and aggregate amounts contributed by any individual organization if their annual contributions exceed $250. In election years, candidates must also report any such aggregate contributions received during their candidacy periods. Contributors to registered candidates and political parties are entitled to a tax credit for a portion of their contributions.

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[108] S.M. C45 Cap. E32.

[109] Note 18 *supra*.

[110] S.M. 1980, c.E-32.

[111] S.M. 1980, c.67.

The Elections Finances Act imposes both comprehensive and segmental expenditure limitations for parties and candidates. Election expenses are defined as:

> money spent or liabilities incurred, and the value of donations in kind accepted prior to or during an election period in respect of goods used or services provided during the election period for the purpose of supporting or opposing a candidate or registered political party in an election.[112]

These limits are calculated in accordance with a formula set out in the legislation based on the number of names on the revised voters list. They are indexed to take inflation into account according to the changes in the Consumer Price Index for the City of Winnipeg.

As previously mentioned, the Act specifies total limits on the amounts that candidates and registered political parties can incur for election expenses and a separate, segmental limitation for advertising expenditures. Advertising restrictions also apply to government departments and crown agencies during election campaigns.[113] Four categories of exceptions to this prohibition are: publications or advertisements concerning on going programs; the solicitation of applications for employment; where the publication or advertisement is required by law; or where the publication has been deemed necessary by the Chief Electoral Officer for the administration of an election. While the first exception may appear to be rather broad, anyone who believes that these provisions have been violated has the right to file a complaint with the Chief Electoral Officer.[114]

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[112] TEFA, s.45(1).

[113] Ibid., s.56(1).

The public subsidy provisions of the Act are quite generous. Parties receiving at least 10% of all valid votes in the province, and candidates receiving at least 10% of the valid votes in the electoral districts, are entitled to subsidies for up to 50% of the total permitted election expenses paid by the Minister of Finance out of a Consolidated Fund. As a safeguard against reimbursements actually exceeding the cost of a campaign, section 76 directs that reimbursement payments be altered where contributions, plus the calculated public subsidy reimbursement would exceed all actual expenses. Excluding donations in kind, where this situation occurs, the difference between contributions/reimbursements and expenses will be remitted to the party's chief financial officer on behalf of its candidates. The candidate's chief financial officer would also receive a reimbursement calculated in the same way for the candidate. Where a candidate in this situation is not endorsed by a registered party and therefore has not received any transfers from a provincial party, then the candidate's chief financial officer receives only the difference between actual election expenses and the value of the contributions received.

Exceeding the total expenditure limit is penalized by a reduction in the public subsidy at a dollar-for-dollar rate. As the legislation is presently drafted the burden of this sanction is borne by the registered party rather than the candidate. Recommendations have been made to amend the Act so that the sanction will affect the candidate more directly.[115] Another difficulty which has generated a recommendation for amendment is the inconsistent treatment of the expenditure limitations. Exceeding the total expenditure limit results in a reduction in the public subsidy while exceeding the advertising expenditure limit would make the person or party responsible only liable to a fine.

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[114] Ibid., s.56(2).

The Elections Finances Act lists a candidate as someone who has declared themselves as a candidate in the next election in the electoral division. Since the status can attach prior to the party nomination, it would seem to be possible for someone who successfully seeks a party nomination to have the pre-nomination expenses included in the election expenses for which a subsidy is available. There are recommendations that the "candidacy period" be amended to clearly exclude all pre-nomination expenses. It was not the intent of the drafters to allow for the payment of a subsidy to cover the cost incurred in the nomination race.

Subject to compliance with the filing requirements, a subsidy of up to $250 will also be paid to cover the cost of the candidates' auditors. This auditors' subsidy is paid regardless of whether or not the party or candidate employing the auditor receives more than 10% of the valid votes.

Where the value of the contributions, including donations in kind, exceeds actual election expenses, the chief financial officer of the candidate will pay any excess amount to the party's chief financial officer. If the candidate is not endorsed, this excess must be paid to the Minister of Finance. Candidates are not permitted to transfer any surplus to their constituency associations.[116] As constituency associations are prohibited from giving tax receipts for contributions, they play only a limited role in election spending. Most of the constituency association funds are transfers from donations received by the party.

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[115] Elections Manitoba, The Elections Finance Act: Review and Recommendations, (Draft Version--Winnipeg, June 1987).

Under TEFA the Chief Electoral Officer is responsible for administration and enforcement. The Act provides for an advisory committee composed of one representative appointed by each registered political party. Recommendations and decisions of the advisory committee are not binding on the Chief Electoral Officer in any way.[117] One consequence of this structure is a reluctance on the part of the CEO to exercise discretion in situations where candidates have exceeded the expenditure limits. This has resulted in prosecutions, and some subsequent convictions, for nominal overspending.[118] At this point, it should be noted that TEFA contains no provisions for an elected candidate to lose their seat if convicted.

Although there is no provision for the loss of a seat for an elected candidate found guilty of overspending, there are strict monetary penalties imposed for such a breach. On a summary conviction, an individual may be fined up to $2,000 and a party may face a fine of up to $20,000. In practice, the Chief

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[116] TEFA, s.44(3).

[117] Ibid., s.4.

[118] One candidate pleaded guilty to overspending $349. In court, the judge found that there was no wilful breach of the law and the candidate received an absolute discharge. The only penalty imposed on the candidate was a reduction in the public subsidy.

Electoral Officer has tended to lay charges against the candidate's chief financial officer rather than the candidate, absent any intervening factors, on the basis that the CFO is personally responsible for the infraction. Some candidates have been prosecuted when they have voluntarily come forward to take responsibility for the actions of their CFO.

The CEO is also responsible for enforcing the deregistration of political parties. In the case of a currently registered political party, the Act requires that it field a minimum of 5 candidates in a general election or face compulsory deregistration.[119]

The Manitoba election finances legislation was first implemented in the 1981 election. Following those elections, eight candidates were found to have overspent. Suspecting the court's reluctance to convict people under the Election Finances Act, one case was initially prosecuted to test the waters. Although the case was dismissed by a provincial court judge because the time limitation had expired, it succeeded in serving notice on individuals that the legislation existed, that it was serious and that the government planned on enforcing it. In the 1986 election, only four cases of overspending occurred. Richard Willis, Chief Financial Officer of Manitoba, suggests that the drop in violations was a direct result of the threat of prosecutions in 1981. In a recent interview, Mr. Willis indicated that the Act has been successful in restricting election spending and maintaining fairness and equality among the candidates.[120]

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[119] TEFA, s.19(2)(e).

[120] Richard Willis Interview; Winnipeg, 17 August 1987.

Although enacted comparatively recently, TEFA has already been the subject of a number of challenges claiming that it violates the Canadian Charter of Rights and Freedoms. One case involved a provincial member who was found to have violated the advertising expenditure limit. There was no breach of the overall limit, but the spending on advertising exceeded the allowable limit by more than 33%. The member claimed that the advertising limit was a violation of his freedom of expression contrary to s.2(b) of the Charter.[121] In his decision, Provincial Court Judge, A.F. James[122] briefly outlined both the history of election financing legislation at both the federal and provincial level and the purpose and effect of the legislation. He stated:

> the primary aim of the Elections Finances Act of Manitoba is, indeed, to address the problems of ever increasing election costs, particularly advertising, to regulate election contributions and expenses, and to encourage greater public confidence and participation in the political process.[123]

Mr. Justice James concluded that:

> I am unable to find that a limitation imposed by the Act, on advertising expenses of a candidate in any way limits or restricts one's freedom of expression, which must include therein freedom of speech. No limitation is thereby placed upon what a candidate may say, how it may be said, or when or where it may be said.[124]

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[121] David Blake (candidate); Keith Glennie (C.F.O.).

[122] Unreported judgment 1 March 1988.

[123] Ibid., p. 13.

[124] Ibid., p. 19.

In a separate case, an individual claimed that the public subsidy provision was a violation of both his freedom of religion and his freedom of expression.[125] The individual involved was a taxpayer who felt that the public subsidy scheme forced him to support opinions and political parties with which he did not agree. The legislation was upheld at both the trial and appeal court level. On appeal, Mr. Justice Twaddle held that:

> [M]onies used to reimburse parties and candidates comes from general government revenues. General revenues are used for a variety of purposes and it would be impossible and inappropriate to say which item of expenditure was supported by which item of revenue. Therefore, a taxpayer cannot claim that because he pays taxes he is required to contribute to or support a political cause.[126]

A subsequent application for leave to appeal to the Supreme Court of Canada has been granted, where it is still pending.

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[125] Re MacKay et al. v. Government of Manitoba (1985), 19 D.L.R. (4th) 185 (Man.Q.B.).

[126] "Appeal Court upholds election expense repayments," Winnipeg Free Press, November 17, 1985.

(d) NEW BRUNSWICK

In 1978 New Brunswick enacted the Political Process Financing Act[127] (hereinafter referred to as the Act) which provided for the regulation of contributions and expenditures, public disclosure, public subsidy of political parties and reimbursements of certain expenses of candidates. The main goal of the legislation was to broaden the base of political support and to remove the general public skepticism as to how parties were funded.[128] The Act has since been amended five times in light of problems experienced in enforcing it. For the most part, recent amendments have had to do with contribution limits, election spending limits and the qualifying threshold with election expense reimbursements.

As in most jurisdictions, the election laws of New Brunswick adopt the concept of agency for political finances by requiring that each political party, district association, and independent candidate have an "official representative."[129] Each registered political party is required to have a chief agent and each candidate is required to have an official agent.[130]

"Election expenses" is defined as those expenses incurred or authorized, or deemed to have been incurred or authorized by the official agent or chief agent of a candidate or registered party, respectively, and includes the value of every contribution, other than contributions of money, made during an election. "Contribution" is defined as services, money, or other property donated to a political party or candidate. The Act exempts certain forms of contribution from control. These include: (1) donations of individual services or the use of personal articles where they are given freely and not as part of work in the service of an employer; (2) all public reimbursements; (3) a loan granted for political purposes at the going rate of interest in the market when the loan was advanced; (4) all membership dues for political parties not exceeding $25; and, (5) registration fees not exceeding $25.[131] Moreover, any free time or space contributed by communications media is not a contribution for the purposes of the Act.

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[127] S.N.B. 1978, c.P-9.3; as am. by S.N.B. 1978, c.82; S.N.B. 1979, c.41; S.N.B. 1980, c.40; S.N.B. 1981, c.60; S.N.B. 1986, c.65.

[128] Interview with Mr. Samuel Field, Supervisor of Political Financing, New Brunswick; 23 June 1988.

[129] Note 45 supra, p. 248.

[130] Ibid.

Contributions may only be made by individuals, corporations and trade unions out of his/her or its own property.[132] The 1986 amendment to the Act increased the contribution limit from $6,000 to $9,000 per calendar year.[133] Contributions may only be accepted by the official representative of a political party, registered district association or registered independent candidate.[134] Contributions of money which exceed $100 are to be made by cheque or money order drawn from the contributor's bank account and the official representative is to issue a receipt to the contributor.[135] The Act prohibits anonymous contributions.

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[131] PPFA, section 2(1).

[132] Ibid., sections 37(1) and 38(1).

[133] Ibid., section 39(1).

[134] Ibid., section 41(1).

[135] Ibid., sections 44(1) and 46.

If the identity of the contributor cannot be established, the funds are remitted to the Supervisor of Political Financing.[136] There is no provision in the Act that limits or prohibits a registered political party or any of its registered district associations or official candidates transferring to or accepting from each other funds, other property or services. Each transfer, however, and each acceptance must be recorded by the appropriate official representative and must be disclosed in the financial reports made pursuant to the Act.[137]

Expenditures are controlled by restricting the channels through which the expenditures can be made and by limiting the amounts that can be spent. Expenditures may be incurred only under the direction of the official representative.[138] Election expenses incurred during an election period for the purpose of promoting or opposing a candidate may be incurred only by or on behalf of the official agent or chief agent of a registered party or official agent of a candidate.[139] An exception to this rule is found in section 71(1) where a candidate may incur his/her own personal expenses which constitute election expenses up to a total of $2,000 during the election period.

Election expense limits were increased in the 1986 amendments for both registered parties and candidates. Registered party limits have been increased as follows: (a) in a general election, to $1 for each elector enumerated in those electoral districts in which the party has candidates; and (b) for a by-election, an amount of $7,000 for each by-election.[140] Election expense limits for a candidate have been increased as follows: (a) for a general election, to $1.75 for each elector enumerated in the electoral district in which he/she is a candidate; and (b) for a by-election, to $2 for each of the electors in the electoral district in which he/she is a candidate.[141] The Act also places a floor of $11,000 and a ceiling of $22,000 for a candidate's election expense limit.[142] An important amendment made in 1986 is found in section 77.1. Annual adjustments to the election expense limits based on changes in the Consumer Price Index are to be made commencing January 1, 1988 and each January 1 thereafter. This amendment should solve the dilemma of continually out-dated expense limits. Advertising expenditures for the broadcast or print media are set by section 50 of the Act at $25,000 in each calendar year for registered parties and $200 in each calendar year for registered district associations and independent candidates.

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[136] Ibid., section 47(2).

[137] Note 45 supra, p. 257.

[138] PPFA, section 49(1).

[139] Ibid., section 70(1).

[140] Ibid., section 77(1).

Compared to Ontario's $750 contribution ceiling, New Brunswick's $9,000 ceiling is high. In light of this limit, a $22,000 ceiling on election expenditures may seem low. Theoretically, a candidate would receive his/her maximum funding from two and one-half contributions. Mr. Samuel Field, Supervisor of Political Financing in New Brunswick, has stated that while this may technically occur, in reality few contributors contribute the maximum. The average contribution was less than $500. Therefore, as a practical matter, candidates must still seek a broad base of support.

Public funds are provided to political parties and candidates in New Brunswick in the form of public subsidies and partial election expense reimbursements. Public subsidies consist of an annual allowance, which is adjusted annually based on the Consumer Price Index, payable to qualifying political parties. The election expense reimbursement is paid to each candidate who has been elected and also to each candidate who obtained 15% (formerly 20%) of the valid votes cast in the electoral district in which he/she was a candidate.[143] The threshold was reduced to 15% in order to bring it more in line with the federal legislation. The amount of the reimbursement is the lesser of his/her stated expenses or the sum of 35¢ multiplied by the number of electors in the district and the cost of mailing a single first-class letter to each constituent.[144] Most of the provisions in the Act regarding contributions, expenditures and public subsidies parallel closely those found in other Canadian jurisdictions.

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[141] Ibid., section 77(2).

[142] Ibid., section 77(3).

The Political Process Financing Act requires the disclosure of party and candidate finances in the form of election expenses reports and financial returns. Section 81 requires the official agent of each candidate in an election to submit a sworn statement of the election expenses incurred within 60 days following the date fixed by the Elections Act for the return of the writ of election. Chief agents of registered political parties are required to submit similar returns within 120 days. Section 59 requires registered political parties to submit audited financial returns semi-annually. The returns must disclose all non-monetary contributions made to the party, the total of all contributions of $100 or less, the total of all membership dues, registration fees, contributions over $100, loans taken out on behalf of the party and interest earned from these funds. The party must also disclose the name of all contributing trade unions and corporations. Moreover, all contributions from individuals exceeding $100 in the year are subject to disclosure. Annual financial returns are also required of each district association. Financial returns of independent candidates must include all of the above. Because the official agents are, for the most part, voluntary, the supervisor has stated that the greatest difficulty has been in receiving the reports on time. Overall, the Act's detailed disclosure requirements are very similar to those in Ontario.

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[143] Ibid., section 78(1).

[144] Ibid., section 78(2).

The general administration and enforcement of the Political Process Financing Act is entrusted to the Supervisor of Political Financing.[145] The Supervisor has all powers of inquiry under the Inquiries Act[146] should he/she determine either on his/her own or after application by a third party that provisions of the Act have been violated. Much like former Manitoba legislation, the enforcement body in New Brunswick benefits from a partisan advisory body. Until 1980, prosecutions could only be instituted by the Minister of Justice, yet could not be instituted without the consent of the Supervisor. Now, section 90(1) of the Act requires the consent of the Attorney-General to institute prosecutions.

Offences and penalties for contravention of the Act are, in general, more onerous than in most other provincial jurisdictions. Any person who knowingly incurs or authorizes election expenses exceeding the maximum fixed by s. 77, or who wilfully submits a false statement of election expenses under s.81 or 82 commits an offence and is liable on summary conviction to a fine not exceeding $10,000 or to a maximum three month jail term.[147] Section 85(2) imposes vicarious liability on the candidate whose official agent has committed an offence under s.85(1). However, liability can only be imposed where the candidate has knowledge of his/her agent's activities, making it difficult to impose liability. Moreover, knowledge and wilfulness must be proved on the part of the official agent him/herself before they can be convicted. Thus, where expenses accidentally exceed what was expected, liability may not be imposed.

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[145] Note 45 supra, p. 273.

[146] R.S.N.B. 1973, c.I-11, as amended.

Since 1978 there have been no prosecutions under the Act. Where there has been overspending, initially it was due to misinterpretations of its provisions such as "goods and services."[148] In the 1987 election nominal overspending occurred due to an incorrect figure on the enumeration in a constituency. Since the figure was quoted by the elections branch, a prosecution was not instituted. Mr. Field also stated that while the Liberal Party and candidates in general spent more than their Conservative opponents, no one exceeded the limit and, to date, no investigations have been instituted.[149]

At this time no amendments to the Act have been proposed. It appears to be a comprehensive Act and to date has been effective in preventing public office from becoming the preserve of the wealthy.[150]

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[147] PPFA, section 85(1).

[148] Interview with Mr. Samuel Field.

[149] Ibid.

[150] Ibid.

(e) NEWFOUNDLAND

As is the case with British Columbia, Newfoundland has only tangentially addressed the problem of election financing. At present the only legislation touching on the issue is the Election Act.[151]

In 1982 a five person bi-partisan committee held public hearings on proposed political reform legislation. The draft bill[152] was completed in November of 1983 and has not as yet been implemented in any way. One reason for this lack of action may be the extremely punitive consequences suggested for overspending. Although the system was designed to function within the context of an agency relationship, with an individual Chief Financial Officer overseeing the finances of a candidate's campaign, the candidate was liable for a fine equal to ten times the amount by which the expenditure limitation was exceeded.[153]

The draft bill contains similar provisions found in the election finances legislation of other jurisdictions. These include the disclosure of contributions of $100 or more;[154] a limitation on the value and types of contributions;[155] a requirement that contributions of $200 or more be made by cheque;[156] and the creation of an Electoral Expenses and Contributions Review Commission.[157]

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[151] R.S.N. 1970, c.106, as amended by S.N. 1971, c.69; S.N. 1974, c.80.

[152] An Act Respecting Elections, Controverted Elections and Election Financing; November 28, 1983.

[153] Ibid., s.320(1).

[154] Ibid., s.307(1).

[155] Ibid., s.288.

Other somewhat unique recommendations include a flat expenditure limit of $25,000 for each constituency[158] and a complicated formula for a direct public subsidy to political parties.[159]

The current Election Act does not deal with political contributions at all. The failure of the Act to recognize the existence of either political parties or constituency associations also results in a necessary skew towards tailoring regulations solely for candidates. Furthermore, no requirement exists that a candidate must name an official agent[160] with the result that no single individual is particularly accountable for the acceptance of contributions or the payment of expenses. Expenditures and costs are governed by the rules prohibiting corrupt practices such as treating. However, in recognition of difficulties created by the province's geography, expenses incurred by the candidate or anyone else in transporting voters to the polls are deemed lawful.[161]

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[156] Ibid., s.286(2).

[157] Ibid., s. 317.

[158] Ibid., s.303(1).

[159] Ibid., s.318.

[160] Note 147 supra, s.121.

[161] Ibid., s.117.

There is also some provision for public disclosure of election expenses incurred by or on behalf of a candidate.[162] Within four months of polling day the candidate must forward a detailed statement of his/her election expenses to the Minister of Justice. This statement should include all bills, claims and vouchers relating to election expenses and must be verified by an accompanying affidavit. Failure to file before the required date results in an assessment of a late filing fee of $10 per day.[163]

The financial statements are then made available to the public for inspection for a period of six months. At the end of the six month period the records are either destroyed by the Minister or, if requested, returned to the candidate.[164]

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[162] Ibid., s.121(9).

[163] Ibid., s.121(11).

[164] Ibid., s.212(10).

(f) NORTHWEST TERRITORIES

As a consequence of the Northwest Territories' legal status outside Confederation, certain unique aspects surround Territorial Elections. In the past elections to the Legislative Assembly were administered under the Northwest Territories Elections Ordinances by Elections Canada. During the past ten years the Territorial government has slowly negotiated the transfer of many responsibilities previously held by the Federal government. The recently enacted Elections Act[165] solidifies the Territories' independence in election administration. The legislation is designed to meet the needs of the Northern electorate rather than trying to fit the electors into a legal framework that does not always recognize what is required.[166]

Sections 169 to 187 of the Act set out the requirements dealing with contributions, expenses and returns. Contributions are regulated with respect to both disclosure requirements and absolute dollar limits. Contributions are not to exceed $1,500 to any one candidate,[167] but there is no total maximum contribution for all candidates. In addition, the candidate may apply up to $20,000 of his/her own funds towards his/her campaign.[168] Note that no *ex juris* contributions or anonymous contributions over $100 are permitted.

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[165] S.N.W.T. 1986(2), c.2, proclaimed in force as of August 1987.

[166] Report of the Chief Electoral Officer to the Speaker of the Legislative Assembly of the Northwest Territories, April 1988, p. 1.

[167] Note 165 *supra*, s.169(2).

[168] *Ibid*., s.169(3). Note that candidate can only qualify for a maximum tax receipt equal to that which would be given for a $1,500 contribution.

The names and addresses of contributors giving in excess of $100 in money or goods and services must be recorded by the official agent[169] for the candidate. This list is included in the statements transmitted to the Chief Electoral Officer within 60 days of polling day. The records are then available for public inspection for the following six months. Should a candidate fail to file by the required date he/she is barred from sitting or voting in the Legislative Assembly.[170]

Expenses are also limited under the Act. A candidate may incur election expenses up to a maximum of $20,000.[171] This makes it possible for an individual to be wholly responsible for the financing of his/her own campaign. The threshold for documenting expenses with receipts is set at $25.

Special provisions are made for the treatment of surplus campaign funds. The candidate is given the option of paying any surplus into the Consolidated Revenue Fund or donating it to the charitable organization of his/her choice.[172] Should the candidate choose the latter option, he/she is not entitled to receive any personal benefit for taxation purposes.

A territorial election was held on October 5, 1987 in which 69 candidates vied for election to Canada's only 'independent' Legislative Assembly. The Northwest Territories is unique in that it is the only provincial or territorial jurisdiction whose electoral system does not yet recognize party politics. Further to an agreement signed by the Commissioner of the Territories, Canada's Chief Electoral Officer, J.M. Hamel, was responsible for administering the election, expected to be the last conducted by a C.E.O. from outside the territory.[173] The general election is of great interest for matters which are outside the scope of this survey, particularly in the area of Territorial independence.

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[169] Ibid., s.53(3).

[170] Ibid., s.185(1).

[171] Ibid., s.178(1).

[172] Ibid., s.171(1).

Following the election, Mr. Hamel recommended various amendments to the Elections Act, mostly pertaining to administration.[174] One recommendation was that the Act be amended to include a definition of personal expenses and to permit a candidate to incur and pay for personal expenses, to be subsequently reimbursed by the official agent. He also recommended that when campaign surpluses are transmitted to charitable organizations as required by s. 177(1), the candidate should provide notice of the transmission to the C.E.O. Apparently, the word 'person' in s. 169(2) of the Act has created some confusion. Mr. Hamel recommends that the section be amended to indicate that a person, corporation or business may make a contribution to a candidate.

The Elections Act is a definite step forward in the Northwest Territories' electoral system.

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[173] Contact, Elections Canada, December 1987, #65 p. 5.

[174] Note 166 supra, p. 15.

(g) NOVA SCOTIA

The legislation covering election finances in the province is the Elections Act.[175] This legislation allows for public subsidies to qualifying candidates and parties, as well as comprehensive spending limits.

One weakness of the Nova Scotia Act is the absence of express provisions for public disclosure of individual contributors. The Chief Electoral Officer does provide forms to be used by official agents to record contribution-related information. In addition, auditors are required to report total contributions for which receipts were issued. However, individual contributions and contributors escape scrutiny. The need for amendments in this regard is illustrated by the plethora of illegal payment scandals in recent Nova Scotia politics. Despite this flaw in current legislation, reports and expenditures are detailed, and these reports are made public.

In terms of party spending limits, section 164A of the Act provides for a formula based on the number of voters in all electoral districts in which the party is running candidates.[176] A unique feature of this Act is the express provision dealing with the possibility of two candidates of a single party contesting the same constituency. In that case the party spending limit remains fixed at 40 cents per voter in the constituency its application is determined by the party.

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[175] R.S.N.S. 1967 c.83; as amended S.N.S. 1969 c.40; S.N.S. 1970, c.41; S.N.S. 1973, c.29; S.N.S. 1977, c.28; S.N.S. 1981, c.21; S.N.S. 1987, c.19.

[176] All provincial expenditure limits and reimbursement provisions are fully indexed for inflation. For details see synopsis.

The Nova Scotia legislation is unique in that dual member electoral districts existed until 1981. The Elections Act has not been amended since the last of those districts were divided.

Candidate limits are determined on a sliding scale based on the number of voters. The scheme is similar to the one used in Ontario. Again, there is a provision for two or more candidates of the same party contesting the seat.[177] In this case, the limit set for two or more candidates of the same party would be the same as the limit for a single candidate divided by the number of candidates running for a single party. For example, assume A, B and C were candidates in a single riding where the expenditure limit was $8,000 per candidate. If A and B were both candidates for party Y and C was a candidate for party Z, then the expenditure limits would be: for A, $4,000; for B, $4,000; and for C, $8,000.

Reimbursements for candidates follow a similar pattern. If more than one candidate of a single party receives more than 15% of the vote, those candidates will share equally in the subsidy. The basic entitlement requirement for any candidate is either being elected or receiving more than 15% of the valid votes cast. The reimbursement is calculated based on the number of names on the voters' list in the electoral district. The size of the subsidy is not contingent on the amount actually spent by the candidate in his/her campaign, except to the extent that the Chief Electoral Officer must be satisfied that at least that amount of liabilities has been incurred.

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[177] Note 175 supra, s.164B(2).

After expenditure reports are filed, the Chief Electoral Officer is required to remit 75% of the reimbursement to the candidate immediately once he is satisfied that expenses of at least this amount have been incurred. The remaining 25% of the reimbursement is held back until the Chief Electoral Officer is certain that all expenditure reports and claims are accurate.

It should also be noted that Nova Scotia has a further public funding component in the form of a system of tax credits for political contributions.

No amendments to the legislation are proposed at this time.

(h) ONTARIO

(i) SUMMARY OF CURRENT POSITION

Since the last survey was conducted in 1983 Ontario has enacted substantial changes to its election finance legislation, the first since the passage of the original Election Finances Reform Act[178](EFRA) in 1975. In July 1986 the EFRA was repealed and the new Election Finances Act[179](EFA) came into effect. This enactment required accompanying changes in the Corporations Tax Act,[180] the Income Tax Act,[181] and the Election Act.[182]

The legislation was, at least partly, a consequence of the 1985 election which saw the first change in the governing party of Ontario since the 1940s. The minority Liberal government entered into a two year political accord with the New Democratic Party, one element of which, "Election financing reform to cover spending limits and rebates, at both the central and local campaign level," required changes to the applicable provincial legislation.[183] After lengthy discussions, and a thorough review of reform proposals put forward by the Commission on Election Contributions and Expenses concerning EFRA, the legislature approved the Election Finances Act.

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[178] R.S.O. 1980, c.134, repealed S.O. 1986, c.33, s.56(1).

[179] S.O. 1986, c.33, amended S.O. 1987, c.5.

[180] R.S.O. 1980, c.97.

[181] R.S.O. 1980, c.213.

[182] S.O. 1984, c.54.

[183] "New rules to keep parties from buying election," Toronto Star, April 16, 1986.

The major difference between the Election Finances Reform Act and the Election Finances Act was the imposition of comprehensive expenditure limitations on both parties and individual candidates during election campaigns (whereas the EFRA had simply imposed a "segmental" limitation applicable only to expenditures for advertising). The total spending limits were viewed as necessary in the face of profligate campaign spending during the 1985 general election, highlighted by four candidates' campaigns which spent in excess of $100,000, one of which exceeded $150,000.[184]

The limits set for campaign spending were determined in conjunction with the new Representation Act[185] which was passed concurrently with the Election Finances Act. As a consequence of the boundary changes imposed in the Representation Act and the increase in northern allowances to $5,000 for certain constituencies,[186] the campaign spending limits average approximately $45,000. This limit represents the total aggregate expenditure of: the candidate, the constituency association, and any independent individual or group acting with the knowledge and consent of the candidate.

The limit is determined by applying a simple formula which multiplies the first 15,000 electors entitled to vote by $2, the next 10,000 voters by $1, and all remaining voters within the constituency boundaries by $0.25.[187] Registered parties are also restricted in terms of total expenditures. They are not to exceed $0.40 for each elector entitled to vote in all the electoral districts where an official candidate of that party is running. These formulas apply for both general elections and any subsequent by-elections which may be necessary.

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[184] Ontario Commission on Election Contributions and Expenses, The Eleventh Annual Report, (1986).

[185] S.O. 1986, c.30.

[186] Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt.

[187] Note 179 supra, s.39(2).

The imposition of the comprehensive spending limit rendered the expenditure restrictions specifically associated with advertising redundant[188] and consequently those segmental limits were, for the most part, discontinued.

The limits are designed to be inclusive. Therefore no special provision is made to create a privileged group of contributors such as the American Political Action Committees (PACs). The one concession allowed to affiliated political organizations recognized by a registered party is the right to contribute as a separate "person," subject to the same contribution limits as any other individual. However, affiliated groups are not permitted to contribute directly to a candidate, so they are forced to contribute to a registered constituency association or party which would subsequently transfer the funds to a candidate's campaign if they wish to financially support a particular individual. The requirement that such groups be officially recognized by a registered party or constituency association creates an effective mechanism for controlling excessive contributions by independent political activists.

The Act does retain some limitations on advertising but they are concerned primarily with timing and disclosure. In light of recent judicial decisions[189] it would appear that the provision of any free broadcasting time to one party for the purpose of political advertising, necessitates that time of similar value be offered to all other registered parties contesting the area. However, the Act does not contain any mandatory requirement for broadcasters to supply free time in the first place.

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[188] Provinces such as Manitoba impose both an advertising and a separate total expenditure ceiling.

Public funding provisions serve a function similar to expenditure limitations. Both are used as means to guarantee that accessibility to public office is not restricted by the cost associated with running a political campaign. In Ontario the public funding of elections has been substantially increased. A candidate who receives 15% or more of the votes cast in his/her constituency and does not exceed the allowable spending limit is entitled to a subsidy equal to 20% of the maximum expenditure limit regardless of the amount actually spent.[190] It is, therefore, quite possible that significantly more than 20% of a campaign will be bankrolled by public funds. In addition, the parties are also entitled to a subsidy of 5 cents for each elector entitled to vote in any constituency where the party received more than 15% of the popular vote. Legislators did not, however, opt for public funding of either the candidates or the parties on an on-going basis between campaign periods as is the case in some other provinces.

Finally the subsidy available to candidates and constituency associations to help pay the auditors' fees has also been increased. Candidates' campaigns are entitled to up to $800 towards the auditor's fee, and constituency associations may receive a maximum of $400 each time a statement must be filed. A separate $600 subsidy is available for leadership contestants but that will be discussed below.

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[189] MacKay et al. v. The Government of Manitoba (1985), 19 D.L.R. (4th) 185 (Man. Q.B.).

[190] Note: The northern subsidy is increased to $5,000; see note 186 *supra*.

The Election Finances Act retained most of the features of the original legislation. The Ontario Commission on Election Finances (formerly the Commission on Election Contributions and Expenses) is retained to supervise the operation of the Act and, among other listed duties, it is empowered to: investigate the financial affairs and records of registered parties; authorize any prosecutions under the Act; and recommend any amendments to the Act itself. The EFA also continues the system of registering political parties, constituency associations, candidates and now, leadership contestants, as a mechanism for ensuring compliance with the financial requirements in the Act. The financial scheme covering the registered organizations listed above controls contributions and expenditures; requires an approval of the organizations' financial records; restricts the timing of advertising; requires an accounting of all contributions and expenses; and provides for public subsidies to candidates and parties.

The Act still places great faith in the ability of limitations on the size and source of contributions to control any improper influencing of government politics. The disclosure requirements for contributions remain substantially unchanged. The Act still requires that contributors giving over $100 disclose their name and address. Cash donations up to $25 are now acceptable as are anonymous donations not exceeding $10 which are collected at general meetings. These changes are simply an attempt to take inflation into account. Anonymous donations and contributions from outside the province are prohibited subject to certain limited exceptions.

A further provision has been made for the use of credit cards. They are now an acceptable instrument for making donations along with cheques or money orders as long as the cards are embossed with the name of the contributor. This amendment required a corresponding change in the definition of a "campaign expense." The definition now specifically excludes the costs of maintaining a credit card facility.

Contribution limits have been increased to reflect the increased need for campaign funds associated with the spiraling costs of conducting a campaign. Contributors are now permitted to give up to $750 to each registered constituency association, up to an aggregate of $3,000 per party and a separate $4,000 to each registered political party. During an election period a contributor may give a further $750 to a registered candidate's campaign, up to an aggregate of $3,000 for all candidates of a single party and an additional $4,000 to a registered party. Put simply, the maximum amount a contributor can give to a single party and its constituency associations in a non-election year is $7,000, and in an election year, $14,000.

The Election Finances Act also addressed specific difficulties that were encountered with previous treatments of contributions.

Since political contributions are eligible for a provincial tax credit it was imperative that receipts be reclaimed from contributors whose contributions were unacceptable, for whatever reason, to prevent an abuse of the tax credit provision. As a result, the Act now contains a provision whereby unacceptable contributions will be remitted to the Commission on Election Finances rather than the contributor unless the contributor produces the original receipt.

Another issue was the treatment of a campaign surplus generated by an independent candidate. This unusual situation was dealt with by requiring all surplus funds, which cannot be turned over to a registered party or constituency association, to be remitted to the Commission.

Other administrative changes include terminating the campaign period three months after polling day while retaining the requirement that audited returns be submitted to the Commission within six months of polling day. This change is intended to facilitate the auditor in the prompt submission of completed returns.

Another departure from the EFRA was the inclusion of the party leadership contests in the form of mandatory contribution limits and substantial disclosure requirements for party leadership campaigns. The intent was to restore confidence in the political process and remove any doubt regarding the influence specific individuals, corporations or labour unions may have had on contestants for party leadership. The EFA marks an expansion of the scope of this type of legislation in Ontario because political leadership contests will be subject to supervision by the Commission for the first time.

As leadership contests are essentially an internal matter of the political party involved, it was determined that the imposition of expenditure limitations by legislative order would not be appropriate. Consequently, leadership contestants are not required to adhere to any spending limits but are required to conform to contribution limitations which set a ceiling of $750 per contributor. Note that neither constituency associations nor affiliated political organizations can contribute to a leadership contestant. Furthermore, it should be noted that contributions to leadership contestants are not eligible for tax receipts.

Audited statements detailing all income and expenses incurred are required by the Commission within six months of the date of the leadership vote. The Commission subsidizes the leadership contestants only to the extent of providing a $600 audit subsidy.

(ii) MUNICIPAL DIMENSION IN ONTARIO

Prior to 1972, the provisions governing the local government electoral process were incorporated primarily within the Municipal Act.[191] In 1972, the enactment of the Municipal Elections Act[192] was an attempt to consolidate and simplify the rules governing local government elections. Since its original enactment few changes had been made to the Municipal Elections Act.[193] Although adequate on the whole, the Act was seen as flawed in some areas. Of particular concern for this survey was the fact that it did not address campaign financing issues such as tax credits for campaign donations or limits on candidates' expenditures.

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[191] R.S.O. 1980, c.302, amended S.O. 1981, c.47, s.23; 1981, c.70, s.23; 1982, c.24, 1982, c.40, s.4, 1982, c.50; 1983, c.5, s.1; 1983, c.8, s.16; 1983, c.41; 1984, c.45, s.18; 1984, c.48, s.20; 1984, c.55, s.222; 1984, c.56, s.23; 1986, c.14, 1986, c.24, 1986, c.47, s.14, 1986, c.64, s.37.

[192] R.S.O. 1980, c.308, amended S.O. 1981, c.47, s.24, 1982, c.2; 1982, c.37; 1985, c.4; 1985, c.7; 1986, c.29, s.12; 1986, c.64, s.40.

[193] In 1977 the Municipal Elections Act was amended to permit municipalities to pass by-laws requiring candidates to disclose the names of persons contributing in excess of $100 to their campaigns, and to set limits on total election expenditures of candidates.

In response to concerns raised during municipal elections in the province in the preceding few years, the provincial government established a committee to inquire into the conduct of municipal elections. The Advisory Committee on Municipal Elections handed down their final report to the Minister of Municipal Affairs in 1986. The report specifically recommended that provisions similar to those contained in the Election Finances Act be applied to municipal election campaigns.

The rationale was identical to that underlying the provincial legislation. Spending limits were recommended to ensure that the accessibility to public office was not restricted to individuals with personal wealth or those closely affiliated with pools of available capital. The intent was to encourage more people to actually run for political office[194] and to prevent the average citizen from being precluded from such an attempt. Contribution limits were viewed as a means of reducing public cynicism towards candidates who are perceived to be owned by labour, business or other interests.[195]

Again in 1982, the Act was further amended to allow municipal councils to pass by-laws regulating election contributions and requiring the repealing of expenses and contributions. The amendment deleted the reference to spending limits.

[194] "Province plans spending limits for candidates in civic elections", Toronto Star, November 13, 1986, p. A-1.

[195] Ibid.

Bill 106, the Municipal Elections Statute Law Amendment Act, received Royal Assent on 8 June 1988.[196] The Act brings the financing of municipal elections in line with provincial elections. Contributions may be made only by individuals, corporations and trade unions and limits on both contributions and expenditures are imposed. As with provincial elections, the maximum contribution is $750 and contributions in excess of $25 must be in the form of a cheque, money order or credit card having the contributor's name embossed on it. Campaign expenses are limited to an aggregate amount of $5,500 plus $0.50 per elector.

The Act is divided into two parts. Part II is automatically applicable to all candidates in municipal elections. These candidates are required to file a notice of registration with the clerk of the municipality who is responsible for the conduct of the election. Candidates may appoint Chief Financial Officers, but it is not required. As with other election finance legislation, financial statements are required to be filed with the clerk who was the returning officer in the election. Among other disclosure requirements are the names and addresses of all contributors who donated in excess of $100. Auditors are required to be appointed only if contributions received or expenses incurred exceed $10,000. There are no provisions for tax credits in Part II.

In order for Part III to apply to a municipal election, the municipality must pass a by-law stating that it shall apply to elections for the office of member of council. Similarly, school boards and local boards may adopt this part by passing a resolution. Where the appropriate by-law or resolution is passed, every candidate for any office must register with the Commission on Election Finances. The candidates are required to abide by the same contribution and expenditure limitations as outlined in Part II. There are differences, however. The candidate must appoint a Chief Financial Officer. Audited financial statements must be filed with the Commission. Most importantly, Part III provides for tax credits for contributors in an amount equal to:

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[196] S.O. 1988, c.33.

(a) 75% of the total amount contributed to all candidates if the amount contributed does not exceed $100;

(b) $75 plus 50% of the amount by which the total amount contributed to all candidates exceeds $100 and does not exceed $400; or

(c) the lesser of,

  (i) $225 plus 33 1/3% of the amount by which the total amount contributed to all candidates exceeds $400 if the total amount exceeds $400, and

  (ii) $350.

Thus, the maximum tax credit is reached with a contribution to all candidates of $775. Absent in the Act is any requirement that the contributor must contribute only to candidates in his/her or its own municipality. Thus, contributions may theoretically be made to any municipality and tax credits received.

Another important aspect of Part III regards surpluses. Where a financial statement shows a surplus, the surplus is paid over to the clerk who was responsible for the conduct of the election. The clerk then holds it in trust for the registered candidate for use by him/her in the next regular election. If the candidate does not seek office in the next election, the surplus is paid into the general funds of the municipality, school board or local board.

It is too early to tell whether or not municipalities or school and local boards will opt into Part III. Initial reaction to the legislation has been against opting in because of the provisions regarding surpluses.

(iii) COMMENTS

The contribution and expenditure limits imposed in Ontario in 1986 were supported by the major parties and have been accepted favourably by those directly involved in election financing. With respect to expenditures, Brian Harling (CFO of the NDP) has commented that there is "no problem running a campaign within those ceilings and feeling limited in what we could or could not say or do to get [our] message out." Similarly, contribution ceilings have not affected the manner in which the parties finance their activities. As the NDPs rely on a large number of small donations, they have been particularly unaffected by the ceilings. The Liberal and Progressive Conservative parties, on the other hand, operate largely on large contributions from the business/corporate sector. However, Brian Hocking (CFO of the PC party) has commented that the tremendous political activity in the past 3 or 4 years had drained the province's source of funds. In fact many corporations have adopted a policy to stop all political contributions in response to continuous demands for support.

Notwithstanding the general support of the Act, there appears to be room for reform. Brian Harling (NDP) is concerned that the political tax credit discriminates against lower income earners, senior citizens and students because of the manner in which it is calculated. Harling strongly believes that the structure of the tax credit conveys to those groups the message that "you shouldn't be giving political contributions." Brian Hocking (PC) would like to see amendments in the area of leadership contests. He believes that maximums should be imposed in this area because the process is very expensive and the funds are derived from the same sources as all other political contributions.

One of the objectives of the new legislation--checking the skyrocketing spending during elections--was achieved during the 1987 provincial election. In fact, candidates had no serious problem living within the new campaign expense limitation.

(i) PRINCE EDWARD ISLAND

The Election Expenses Act[197] of Prince Edward Island was substantially amended in 1985. However, these amendments retained much of the unique, two-tier approach of the unamended Act. The Act places substantial constraints on expenditures and provides for substantial public funding of the political process.

Prince Edward Island provides a significant subsidy for the political parties and candidates. All candidates receiving more than 15% of the votes cast are entitled to receive a subsidy which is automatically adjusted for inflation on January 1 of each year. The subsidy provision details both a minimum ($750) and a maximum ($1,500) payment based on the number of electors entitled to vote.[198]

The payment of the subsidy is divided into two stages. Candidates qualify for 75% of their allowable subsidy once the Chief Electoral Officer is satisfied that election expenses in at least that amount have been incurred. The remaining 25% of the subsidy will be forwarded only after the Chief Electoral Officer has determined that all the financial statements have been filed and are accurate.[199] Financial statements of candidates' election expenses must be filed within 60 days of polling day. In comparison, party records are required within 120 days of polling day. All statements, including receipts and invoices, are held by the Chief Electoral Officer for a period of six months, and are available for public inspection.

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[197] Election Expenses Act R.S.P.E.I. 1974, Cap. E-1.1 as amended S.P.E.I. 1983, c.12; S.P.E.I. 1985, c.14.

[198] Ibid., s.10(1).

[199] Ibid., s.10(2).

The province also provides an annual public subsidy for qualified parties.[200] Like the candidate subsidies, the party subsidies are indexed for inflation and adjusted automatically each year. To qualify for an annual subsidy a party must hold at least two seats in the Legislative Assembly.

This qualification requirement obviously puts newly emerging or "fringe" political parties at a disadvantage. The lack of any other means of qualifying for a subsidy (eg. received 10% of provincial votes cast while failing to elect a member to the Assembly), may give rise to a future challenge under the Charter.[201] The actual subsidy is calculated by multiplying the total number of votes cast for that party in the previous election by a specified amount not to exceed $1.

Expenditure limitations in the province are also two-tiered to some extent. An aggregate expenditure limitation exists for the party, which is calculated based on the total number of electors in the province. At the candidate level the expenses are calculated based on the number of electors in an electoral district. At no time is this limit to exceed $12,000 but if there are less than 3,000 voters in the district, a flat $6,000 maximum expenditure limit is imposed. These expenditure limits are also automatically adjusted according to the Consumer Price Index. (Note: The figures quoted are established for the base year of 1983).[202]

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[200] Ibid., s.23(1).

[201] Note 1 supra.

[202] Note 197 supra, s.9(3).

Prince Edward Island also provides for a tax credit for political contributions.[203]

As previously mentioned, there are provisions in the Act for the disclosure of the names and addresses of contributors in excess of $250,[204] candidate campaign expenses and party campaign expenses. Although the party financial statements must be audited, no such requirement exists for a candidate's statements.

There are no provisions for any type of contribution limitations. There is no maximum allowable contribution nor is there a restriction on ex juris contributions.

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[203] Ibid., s.21, Income Tax Act R.S.P.E.I., 1974, Cap. 1.

[204] Ibid., s.22(1).

(j) QUEBEC

Quebec's recently adopted legislation on political party financing is based on the Election Act of 1963[205] which gradually changed with the society's democratic evolution. Nevertheless, the principles and control mechanisms set down in the Election Act of 1963 continue to structure Quebec legislation on election financing.

In 1975 the National Assembly amended the Election Act to ensure political parties a form of public financing. Since that time an annual allowance is paid to the political parties represented in the National Assembly.

Legislation governing political party financing underwent substantial reform in 1977 when the National Assembly unanimously adopted the Act to Govern the Financing of Political Parties.[206] The coming into force of this Act marked an important turning point in Quebec's financing of the political process since lawmakers controlled the election funds collected by political parties.

The provisions of the 1977 legislation were integrated into the new Election Act passed in December 1984[207] and introduced a number of innovations in political financing. They are included under Title VIII of Quebec's Election Act.

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[205] Election Act S.Q. 1963, c.13.

[206] S.Q. 1977, c.11.

[207] R.S.Q. c.E-3.2 Title VIII: Financing of political parties and control of election expenses.

The intention of Quebec lawmakers is clear where political financing is concerned. The overriding concern is for greater transparency of the financial lives of political entities and the process of public financing.

The law establishes the principle of the need for political entities (political parties, party authorities and independent candidates) to be authorized. Any of these entities wishing to solicit or collect contributions or incur expenditures must be authorized by the Chief Electoral Officer to do so. The CEO may grant this authorization at the written request of a party leader who agrees to present official candidates in no less than 10 electoral divisions in all subsequent elections. A political party's authorization application must be accompanied by the names, addresses and signatures of 60 electors in each of 10 electoral divisions.

The Act defines a "contribution" as sums of money donated to a political party, a party authority or a candidate and services rendered and goods furnished to them free of charge for political purposes. However the Act also stipulates that certain enumerated items are not considered contributions.[208]

In Quebec the law does not allow legal entities (companies, unions, interest groups) to make a contribution to an authorized political entity. Indeed, every contribution must be made by the elector him/herself out of his/her own property. The total of contributions by the same elector during the same calendar year cannot exceed $3,000. The amount may be paid in whole or in part to one or another of the authorized entities. Every contribution of money over $100 must be made by cheque or other order of payment signed by the elector and drawn on his/her account in a financial institution having an office in Quebec. The cheque or order must be made payable to the order of the authorized entity.

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[208] Note 207 supra.

An individual elector may deduct from his/her income tax otherwise payable, with respect to money contributions made during the year to the official representative of an authorized political party, of a party authority or of an authorized independent candidate, 50% of the first $280 contributed. This provision is part of the Income Tax Act.[209]

Election spending by parties and candidates is also controlled in Quebec. The Act specifies who is entitled to incur or authorize an election expense and sets limits on the amount of election expenses which can in fact be incurred. These expenses may be paid only from an "election fund," that is one into which the amounts collected in accordance with the Election Act are deposited.

The limit on a candidate's allowable election expenses during a general election is established according to the number of voters registered on the list of voters of the candidate's electoral division. They are limited to $0.80 per registered voter on the list of voters of the division in question.

An authorized political party's allowable election expenses during a general election are limited to $0.25 per voter in an electoral division in which the party has an official candidate.

During the election period, only the official agent may incur or authorize election expenses although the candidate may pay personal expenses during an election to a total of $2,000. A candidate's personal expenses are those pertaining to him/herself and his/her immediate family. They must not involve any form of publicity and are included as election expenses.

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[209] R.S.Q. 1977, c.I-3.

No later than April 1 of each year the official representative of every authorized political party shall submit to the Chief Electoral Officer a financial report for the preceding fiscal year containing a balance sheet, a statement of revenues and expenditures, and a statement of changes in the financial position of the party, prepared in accordance with generally recognized accounting principles. The report must, among other things, indicate the sum of anonymous donations collected at meetings held for political purposes; the sum of contributions of $100 or less; the sum of contributions of over $100; the financial institutions where the amounts of money collected by the party are deposited and the account numbers used; the full name and address of each elector who has paid one or more contributions the total of which is over $100. In addition, the annual financial report must be accompanied by a certificate of the party's auditor before the report is transmitted to the Chief Electoral Officer.

The official representative of a party authority must file a financial report consisting of a statement of revenues and expenditures by April 1 of each year. This report is also transmitted to the CEO. Within 90 days following polling day, the official agent of a candidate must file with the CEO a full return of all the election expenses incurred or authorized. The return must be accompanied by the invoices, receipts and other vouchers or certified copies of the documents, a list of the documents and a sworn statement. Similarly, the official agent of an authorized party must file with the CEO a return of all the election expenses incurred or requested within 120 days following polling day supported by the same documents.

The Chief Electoral Officer reimburses an amount equal to 50% of the election expenses incurred and paid in accordance with the legislation for each candidate that was elected, that obtained 20% of the valid votes, or that was elected during the last election; and for one of the two parties whose official candidate obtained the most votes during the last election in the electoral division. The election expenses of an authorized party are not reimbursed.

In accordance with a method of computation provided for in the Election Act, every year the CEO determines and pays an allowance to the political parties represented in the National Assembly. The allowance must be used to pay their current administration costs, the propagation of their political programs and the coordination of the political activities of their members.

With respect to the financing of political parties and the control of election expenses Title VIII of the Act stipulates that the Chief Electoral Officer shall authorize parties, party authorities and independent candidates; verify if the parties, party authorities and candidates comply with the provisions of Title VIII; receive and examine the financial reports and statements and returns of election expenses; enquire into the legality of expenditures incurred by an authorized entity, and election contributions and expenses. The CEO also has the responsibility of providing the public with adequate information regarding reports and returns filed.

In 1987 the minister responsible for electoral law reform announced the government's intention to revise the existing electoral legislation, particularly as it relates to the financing of parties and the control of election expenses. Revised legislation should be passed in late 1988.

(k) SASKATCHEWAN

The Saskatchewan Election Act[210] imposes extensive controls on election financing. Various mechanisms limit spending and provide significant reimbursements of election expenses for qualified candidates.

The Saskatchewan Act does not impose specific contribution limits. However, it does require the disclosure of the name and category of contributors of more than $100. As well, total contributions must be segmented by contributor categories: individuals; corporations; societies; trade unions; unincorporated organizations or associations; and any other persons. The numbers of donors in each class must also be recorded. Section 221 prohibits anonymous donations, and any such donations received which cannot be returned must be paid over to the province's Consolidated Fund. The final restriction on contributions can be found in section 220 which prohibits the acceptance of contributions from outside Canada.

The Act requires political parties to register before they may solicit or receive contributions or incur or pay any expenses for the party or on behalf of the party's candidates. It should be noted that the Province of Saskatchewan does not register constituency associations or candidates. The status of constituency associations is not therefore defined in the Act.

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[210] R.S.S. 1978, c.E-6; as amended by R.S.S. 1978, c.C-51.1 and 23; S.S. 1979, c.69; S.S. 1979-80, cc.61 and 92; S.S. 1980-81, cc.53 and 83; S.S. 1982-83, cc.16 and 33; S.S. 1983, cc.66 and 80; S.S. 1984-85, c.38; R.R.S. 1984-85, c.E-6 Reg 1.

Political parties are required to submit financial statements both after an election and after the end of the party's fiscal year. All such returns must be supported by an auditor's certificate, and the Chief Electoral Officer must make these returns a matter of public record.

Parties and candidates must report all contributions received over the stipulated amounts and all expenditures made. These reports are made public. Four months from the end of the fiscal period, parties must file reports on advertising expenditures and operating costs. Section 228 of the Act requires broadcasters and publishers to file a general return with the Chief Electoral Officer within two months after polling day. The return indicates the use of party election advertising and the rates charged. Failure to file leaves the broadcaster, licensee or publisher open to a maximum fine of $5,000 on summary conviction. Acquiescing directors or managers of these entities are also liable to a further equivalent fine.

Expenditures are closely regulated. Each registered party must have an official agent and each candidate must have a business manager. These individuals are responsible for the receipt of contributions for, and expenditure of money on behalf of their principals. "Election expenses" themselves are comprehensively defined in the Act.[211]

Party expenditures are limited during general and by-elections, as well as during non-campaign periods.[212] Before 1981 the limit for a general election was fixed by statute at $250,000. This figure is now annually indexed for inflation and as of 1987 it stood at over $487,000. The adjustment is calculated using the Consumer Price Index (as are all other spending limits and reimbursements).

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[211] Ibid., s.2.

[212] Ibid., ss.208(1) and 230(1).

During by-elections the party's expenditure limit varies depending on whether the constituency lies north or south of the dividing line described in the Constituency Boundaries Commission Act.[213] As is the case with Prince Edward Island, special provision must be made for the more sparsely populated constituencies.

During non-campaign years certain party expenditures are also regulated. For example, the total expenses incurred by a party (either directly or indirectly) for partisan advertising in the province during a fiscal year cannot exceed a statutory maximum. In 1987 this limit was in excess of $145,000. Partisan advertising includes all expenses incurred by a person, trade union or corporation with the knowledge and consent of the party or candidate.

Another item of interest regarding the regulation of advertising during elections or by-elections in the province can be found in section 229. This section restricts the Government of Saskatchewan from advertising during an election campaign, unless such advertisements are necessary in the public interest or are of an emergency nature. This section was a response to self-promotion by incumbents through channels otherwise exempt from election finance regulation.

Candidates' spending limits are also statutorily determined by a formula which fixes a certain minimum for the ceiling and the potential to increase the ceiling based on the number of names on the voters list. As with party ceilings, there is a different treatment for constituencies north and south of the dividing line. The statutorily fixed amount by which the number of voters is multiplied to determine a candidate's expenditure limit is twice as large for the constituencies north of the dividing line. In 1987 the amounts were $3.90 per elector in the north and $1.95 per elector in the south.

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[213] R.S.S. 1978, c.C-28, s.14, as amended.

Candidate reimbursements are based on a threshold of 15% of the popular vote in an electoral district. The amount of the reimbursement is set at 50% of the candidate's lawfully incurred election expenses. Reimbursement is also contingent on the satisfactory completion of all required filings under the Act.

If a party endorses candidates who obtained in the aggregate 15% of the valid votes cast, the party is also eligible for reimbursement. This rule has been rigidly applied. The Liberal Party failed to qualify by 1.3% after the 1978 elections and was accordingly denied its reimbursement, despite arguments that the threshold figure was merely designed to discourage "fringe" parties.

The subsidy is equal to the lesser of one third of the actual amount of election expenses lawfully incurred or an indexed amount of over $146,000 as of 1987.

Public funding also covers auditors' accounts for all candidates and is the lesser of an annually adjusted amount and the amount of the auditor's fee.

Administration and enforcement of the election finance provisions rest primarily with the Chief Electoral Officer as there is no separate body created under the Act for the supervision of these matters. In conjunction with the initiation of investigations into contraventions, however, the Chief Electoral Officer may appoint a Commissioner of Election Expenses. No new reforms are proposed at this time.

(1) YUKON

The Yukon Territory has enacted limited legislation dealing with election finances.

As in some other jurisdictions, regulations are established pursuant to the Income Tax Act (Yukon) to allow a tax credit of no more than $500.00 for political contributions. These regulations require the official of a registered political party and the official agent of a candidate to register with the Chief Electoral Officer in order to receive contribution receipts. Every official must file an annual return of duplicate receipts for income tax credits with the Chief Electoral Officer and state the aggregate amount, for which receipts have been issued, contributed to the registered political party. The official agent of a candidate must file a similar return within 60 days after the return to the writ of election is received by the Chief Electoral Officer. The Chief Electoral Officer is responsible for preparing reports based on all returns of information. Currently there is no disclosure of contributors' names but the regulations may be amended prior to the end of 1988. Based on discussions which have taken place in the Standing Committee on Rules, Elections and Privileges, it is expected that the amendment would require disclosure of the names and addresses of contributors' over $250 to a political party annually or to a candidate at an election.

The Elections Act requires that all payments, other than those relating to the personal expenses of a candidate, must be made through the official agent. Every printed advertisement having reference to an election must include the name and address of its sponsor. The Act also addresses corrupt practices.

109 **YUKON**

There are no limits on contributions or expenses and no provisions for public subsidies or reimbursements.

PART THREE

A SHORT HISTORY OF AMERICAN CAMPAIGN FINANCE REGULATION

(1) INTRODUCTION

Until the 1970s, the federal law regulating campaign spending and the requirement of public disclosure was the Corrupt Practices Act of 1925. While the Act set a ceiling on spending in House ($10,000) and Senate ($25,000) campaigns, it was not enforced.[214]

Between 1972 and 1976 Congress introduced a system of partial public funding into presidential primaries, grants to presidential candidates, and complete financing of nomination conventions within the two-party system. An ineffective control system was remedied with the introduction of an independent commission charged with reviewing and monitoring the detailed disclosure reports now required by law. The goals of this wide-sweeping round of legislation represented the reformers' Nirvana as candidates were expected to devote less time to wooing donor "fat cats." The spending and fund-raising advantages of incumbents were supposed to decline with the reduced importance of money and total spending levels were to be reduced.

The results did not live up to expectations, however. While the reforms were initially awarded high marks for their emphasis on disclosure, candidates complained that compliance with strict provisions put undue emphasis on the function of the lawyer and accountant within the campaign structure. Money was effectively diverted from "communicating with the voters" to "complying with the law."

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[214] Congressional Quarterly, Inc. Dollar Politics 3rd ed. (Washington, D.C.: Congressional Quarterly, Inc., 1982), p. 2.

While these reforms might have resulted in the healthy development of broadening the base of small individual donations, the reality was quite different. The reforms allowed the growth of a new, powerful force in American politics--political action committees (PACs). PACs have grown to such an extent that the problems they engender now rival those created by the "fat cats" of previous political eras. (See (vi) for a discussion of PACs.)

In January 1976, the United States Supreme Court, in Buckley v. Valeo,[215] revised the sweeping reforms of 1974 before they could be tested in a national election. While the decision upheld the constitutionality of provisions allowing for public financing of presidential campaigns and limits on contributions and spending in such campaigns should a candidate accept public funding, restrictions were placed on these provisions. By equating spending ceilings with hindrances on the American First Amendment right to free speech, an individual was now allowed to spend an unlimited amount in support of a favorite candidate, as long as such expenditures were not coordinated with the parallel campaign of the candidate or his/her organizers.

On another front, the legislative drive to extend public financing schemes to congressional contests stalled in 1977, 1978 and 1979. At the present time, the push for any massive restructuring of national election finance legislation seems to have faded completely. Changes of a minor nature appear to be the only changes contemplated in the immediate future.

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[215] 424 U.S. 1 (1976).

(2) EARLY HISTORY AND LEGISLATION: 1867 - 1971

The first massive input of special interest money in American politics occurred in 1832, when Nicholas Biddle and the Bank of the United States attempted to defeat archenemy Andrew Jackson's bid for re-election by spending heavily in favour of Jackson's opponent, Henry Clay. The strategy failed.[216]

It wasn't until 1867 that the first provision on federal campaign financing appeared. Obscured in a naval appropriations bill, it was declared illegal for a naval officer or government employee to request political contributions from workmen in navy yards. The corrupt practices of the so-called "Guilded Era" (the 1880s and 1890s) and the response of crusading journalists and Progressives brought campaign finance legislation to the fore.

Over the next hundred years, Congress enacted a series of laws which sought broader regulation of Federal campaign financing. These legislative initiatives, taken together, sought to limit contributions to ensure that wealthy individuals and special interest groups did not have a disproportionate influence on Federal elections; prohibit certain sources of funds for Federal campaign purposes; control campaign spending; and require public disclosure of campaign finances to deter abuse and to educate the electorate.[217]

With the growth of the Progressive movement under the Roosevelt administration, the spirit of "trust-busting" led to the passage of the Tillman Act in 1907. This Act made it a crime for any corporation to make a money contribution in connection with a federal election.[218] Disclosure legislation was brought in with the first federal Corrupt Practices Act of 1910, and later expanded and strengthened with regard to filing requirements and ceilings.

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[216] A. Cox, "Constitutional Issues in the Regulation of the Financing of Election Campaigns" delivered at the Cleveland-Marshall School of Law, October 28, 1982.

[217] The First 10 Years, The Federal Election Commission, 1985, p. 1.

The federal Corrupt Practices Act of 1925 served as the basic campaign finance law until 1971. While its applicability was restricted to general election campaigns and did not include primaries, it strengthened disclosure requirements and increased expenditure limits. Unless a state law prescribed a smaller amount, the Act set the ceilings at:

(1) $10,000 for a Senate candidate and
$ 2,500 for a House candidate, or

(2) an amount equal to three cents for each vote cast in preceding election for the office in question but not to exceed $25,000 for the Senate and $5,000 for the House.

However, the Act was beset by loopholes which allowed congressional candidates to maintain that campaign committees operated without their "knowledge and consent," or were intra-state committees and, thus not caught by federal law. While court decisions[219] upheld disclosure as desirable, no candidate for the House or Senate was ever prosecuted under the 1925 Act.[220]

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[218] G. Thayer, Who Shakes the Money Tree?: American Campaign Finance from 1789 to the Present (New York: Simon & Shuster), p. 53-54.

In 1943 and 1947, legislation was expanded to bar both labour unions and corporations from making expenditures and contributions in Federal elections--the Taft-Hartley Labour-Management Relations Act of 1947.[221] This prohibition on labour unions is still retained as section 44(b) of the Federal Election Campaign Act. As well, legislation in the 1940s was successfully extended to the primary system which had previously been exempted as being ultra vires Congress' constitutional power to regulate the "manner of holding elections." The campaign finance provisions of all these laws were largely ignored, however, because none provided an institutional framework to administer their provisions effectively.[222]

In the 1960s, the deficiencies in the post-war system of campaign finance were aggravated. On May 25, 1967, President Johnson sent a message to Congress proposing reform which labelled the legislation then in place as "obsolete." "More loophole than law," he wrote, the acts invited "evasion and circumvention."[223] Prior attempts at reform--spearheaded by the President's Commission on Campaign Costs named in 1961 by President Kennedy--all died in draft bill form. Not until 1966, when an individual tax check-off plan was passed to provide government subsidization for presidential campaigns, did Congress act in the area of campaign finance. Because the guidelines requiring disclosure of the funds resulting from the check-off were not adopted, this step was voided by 1967. The increasing concern over spiralling costs prevented this from continuing, however. Television and the modern media of mass communication had transformed American politics and increased the importance of money. Between 1952 and 1968 spending in presidential elections alone had risen from $11.6 million to $44.2 million. In constant dollars, adjusted for inflation, this represented a 300% increase.[224] Congressional contests in this period reflected the same degree of increase. While the total cost of presidential election year campaigns in this period approximately doubled, broadcasting outlays increased six-fold, representing an ever expanding slice of the total expenditure pie. It was feared that rich challengers could use television "blitzes" to swamp incumbents, and many Democrats frankly saw spending limits as a way of preventing Republican candidates, who seemed to enjoy a funding advantage, from blanketing the airwaves. The perception of television as a manipulative Pandora's box made spending limitations more attractive.

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[219] Notably, Burroughs and Cannon v. U.S. 54 S.Ct.287 (1934).

[220] Note 214 supra, p. 4; H.R. Penniman and R.K. Winter, Jr., Campaign Finances: Two Views of the Political and Constitutional Implications (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1971), p. 23.

[221] Note 218 supra, p. 73.

[222] Note 217 supra.

[223] Note 214 supra, p. 6.

(3) THE ACTIVIST PERIOD AND THE DAMPER OF BUCKLEY v. VALEO: 1971 - 1976

Given the rise in expenditures, it did not seem illogical that candidates in the 1970s would increasingly turn to those whose businesses and organized economies were directly affected by government decisions which an office-holder could influence. This development was exacerbated by the fact that government had become the chief buyer of goods, the largest employer, the dispenser of many benefits and the overall regulator and manager of the economy. The "credit of access" accorded to these interests by candidates supposedly rose as the role of money rose. With the Watergate abuses, the Congress, state governments and the courts ultimately moved to alter American methods of campaign financing.[225]

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[224] Statistics from Cox, Note 216 supra, p. 4; Penniman and Winter, Note 220 supra, p. 23.

(a) THE 1971 REFORM

The Federal Election Campaign Act of 1971 initiated fundamental changes in Federal campaign finance laws. It envisioned a two-fold approach. One aspect of the Act was to set limits on spending by federal candidates on all forms of media communication. The second aspect of the legislation provided for complete reporting of campaign contributions and expenditures.[226]

Taking effect 7 April 1972, the media spending limits were set at $50,000 or 10 cents per voter, whichever was greater, for House and Senate races. This ceiling was indexed to increases in the cost of living and to media cost increases. Most importantly, only 60 percent of overall media spending could go toward broadcast media expenditure. Overall limits therefore varied from $50,000 in thinly populated states to about $1.4 million in densely populated states. The method of calculation of the limits also applied to presidential elections.

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[225] F.G. Houdek & C.V. Ford, "Federal Election Campaign Act and its Amendments: A Selected Legal Bibliography with Annotations" Law Library Journal, vol. 72 (Spring, 1979), pp. 194-208.

[226] E.B. Staats, "Impact of the Federal Election Campaign Act of 1971" Annals, AAPSS Vol. 425 (May 1976), pp. 98-113.

With regard to disclosure, the Federal Election Campaign Act required that federal candidates and committees file quarterly reports listing spending receipts and contributors of $100 or more by name and address. In an election year, added reports were required fifteen days and five days before an election. Any contribution of $5,000 or more had to be reported within two days of receipt. All reports were to be filed with the House Clerk, Secretary of the Senate or General Accounting Office, depending on whether the office sought was congressional, senatorial or presidential. As well, reports had to be filed with the Secretary of State of each state. Reports were to be made public within forty-eight hours of receipt by the Washington Offices and within twenty-four hours by the state secretaries. The above requirements effectively closed the old practice of having separate campaign fund groups operating in each state or totally within a candidate's home state.

The ban on direct corporate contributions and union donations raised from dues money was retained, although "voluntary" union contributions raised by a union organization were permitted (see discussion on PACs).

Finally, an income tax check-off bill was passed on December 8, 1971 which allowed taxpayers to designate one dollar of their annual federal income tax payment to a general fund for eligible presidential candidates. Those filing joint returns could designate two dollars. Because the Democrats were deeply in debt following the 1968 campaign, the Republican administration saw the bill as a device to rescue their opponents, and therefore the bill was not to go into effect until after the 1972 presidential campaign. The program was implemented in 1973 and, by 1976, enough tax money had accumulated to fund the 1976 election--the first publicly funded election in U.S. history.[227]

The 1972 campaign pointed out the inadequacy of the 1971 reforms. Designed to disclose the "big giver," the Act presided over a period of unprecedented scandal and public alienation. Disclosure legislation could not contain or deter illegal contributions regardless of a suspected quid pro quo. Only a 1973 lawsuit forced the presidential re-election campaign to open its files to the public. This secrecy was partly motivated by the fact that a least thirteen corporations had made illegal corporate donations out of foreign subsidiaries, corporate reserves or expense accounts.[228]

(b) THE 1974 LAW

In 1974 the most wide-sweeping reform bill in American campaign finance history was enacted to amend the 1971 legislation. It established the Federal Election Commission, an independent agency designed, among other things, to monitor compliance with the FECA. Strict limits on contributions and expenditures were enacted. The 1974 law also established public financing by providing for optional public funding in presidential general elections and federal matching funds for a maximum of 50 percent of the cost of presidential primary campaigns. The complete details of the reform bill as signed into law on October 15, 1974 included the prohibition of an individual spending over $1,000 in advocating the election or defeat of "a clearly identified candidate" even if the expenditure was made without consultation with the candidate or his/her agents. As well, political committees which were not authorized by the candidate could not spend more than $1,000 in supporting a presidential candidate who had elected to receive federal funding.

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[227] Note 217 supra, p. 2.

[228] H. Alexander, Financing the 1972 Election (Lexington, Mass.: Lexington Books, 1976).

The 1974 Federal Election Campaign Act amendments also resulted in opening the PAC door by authorizing corporations, labour unions and special interest groups to organize and administer committees which could contribute up to $5,000 to any candidate's campaign.

(c) BUCKLEY v. VALEO

Soon after the 1974 law took effect, its key provisions were challenged as unconstitutional in a large lawsuit comprising a number of diverse conservative and liberal plaintiffs, reported as Buckley v. Valeo.[229] The basic argument of the plaintiffs was that the limit placed on campaign contributions and expenditures curbed the freedom of donors and candidates to "express themselves in the political marketplace."[230] It was also contended by the liberals joining suit that the public financing provisions discriminated against minor parties and lesser-known candidates in favour of the major parties and better known candidates. Upheld by lower courts, the law was ultimately challenged at the Supreme Court level. On January 30, 1976, the court handed down its ruling in a 137-page opinion.

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[229] Note 215, supra.

[230] Note 214 supra, p. 15. For an expansion on the "marketplace" analogy, see R. Claude & J. Kirchoff, "Free market of ideas, Independent Expenditures and Influence" 57 North Dakota Law Review, 1981, p. 339.

The Supreme Court in Buckley recognized the dangers inherent in the direct and close relationship between money and political influence, observing that large campaign contributions undermine the integrity of the political process to the extent that they are given in exchange for political favours.[231] In its decision, the Court upheld the reporting requirements as constitutional. Contribution restrictions were also upheld because they served the government's interest in safeguarding the integrity of elections, and only marginally restricted speech. On the other hand, the Court held that restrictions upon individual independent expenditures in support of a candidate; on the use of a candidate's personal or family funds; and on a Senate or House candidate's overall expenditures violated the First Amendment guarantee of freedom of political expression. The court implied, however, that the expenditure limits placed on publicly funded candidates were constitutional because presidential candidates were free to disregard the limits if they chose to reject public financing.[232]

The Court reasoned that any restriction on spending necessarily restricted the quantity of expression by limiting the number of issues discussed in a campaign, the depth of discussion and the size the "political market" reached. Given the nature of mass society, the Court equated the communication of ideas with the expenditure of amounts of money.[233]

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[231] Felice B. Oper, "Federal Election Law," Annual Survey of American Law 1986, p. 399 at 418.

[232] Note 217 supra, p. 3.

The Court also held unanimously that the Federal Election Commission was unconstitutional because the method of appointment of Commissioners violated the Constitution's separation of powers and appointments clauses in that some members exercised executive powers, despite being named to the Commission with the approval of Congress. The argument that the body regulated congressional elections as well as presidential elections, and thus justified some congressionally appointed members, was rejected. The decision left the Commission with only those powers Congress could rightly delegate to a congressional committee--investigation and information gathering. The powers of administration and enforcement which the law accorded could only be rightly conferred if the Commission's members were presidential appointees.[234]

(d) THE 1976 AMENDMENTS

On May 11, 1976 Congress responded to the decision in Buckley by repealing all the sections struck down by the courts and drafting a new campaign finance law. The Federal Election Commission (hereafter, FEC) was reconstituted as a six-member panel appointed by the President. The FEC was given the power to prosecute civil violations and additional jurisdiction over criminal offences. Another important provision concerned the problem caused by the declaration that limitations on independent political expenditures were a clear violation of First Amendment rights. The new law now required that PACs and individuals making independent expenditures of more than $100 swear that the expenditures were not made in collusion with the candidate.[235]

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[233] J.S. Wright, "Politics and the Constitution: Is Money Speech?" 85 Yale Law Journal, July, 1976 pp. 1001-1050.

[234] Note 214 supra, p. 16.

The 1976 law also set new contribution limits. An individual could give no more than $5,000 a year to a PAC and $20,000 to the national committee of a political party. Prior legislation had set a $1,000 limit on individual contributions to any one candidate, and an aggregate annual limit of $25,000, including gifts to PACs.[236] A PAC could now give no more than $15,000 a year to a party's national committee, and major party senatorial campaign committees could now funnel up to $17,500 a year to a candidate. Generally, most contribution ceilings had been raised over the 1974 limits.

In commenting on the Buckley ruling, Herbert Alexander concluded that:

> [t]he Court acknowledged the right of Congress to regulate federal elections and recognized the FECA's express purpose of preventing corruption or the appearance of corruption as a legitimate governmental interest. The court concluded that the limits on individual and group contributions to campaigns presented only a marginal restriction on free speech, and so upheld those provisions of the Act. On the

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[235] D. Adamany and G. Agree, "Election Campaign Financing: The 1974 Reforms" Political Science Quarterly Vol. 90, No. 2 (Summer, 1975), p. 304.

[236] T.J. Fleming, "Election Law Regulation and Campaign Financing" Annual Survey of American Law 1976, p. 649 at 658.

> other hand, the Court did not agree that the law's secondary purpose--to equalize candidates' financial resources--was compelling enough to warrant a restriction on free speech.[237]

In the aftermath of Buckley, the Supreme Court expanded the protection afforded political expenditures by striking down a Massachusetts statute prohibiting corporations from making expenditures promoting a candidate or seeking to influence the public on issues not directly related to the corporations' business activities.[238] A similar expansion can be found in the decision in Common Cause v Schmitt,[239] which held as unconstitutional a federal law limiting independent expenditures by a political action committee in support of a candidate during a presidential campaign despite the fact the candidate had accepted public funding.

It has not been entirely one-sided, however. In California Medical Association v FEC[240] the majority of the court, in upholding the constitutionality of certain contribution limits, held that Congress could establish different rules for unincorporated associations, labour unions and corporations without violating the Equal Protection Clause. The justification for this result was a finding that each organization had a different structure and purpose; therefore, each required a different form of regulation in order to protect the integrity of the electoral process.[241]

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[237] Herbert E. Alexander, "The Future of Election Reform" Hastings Constitutional Law Quarterly Vol. 10 (Spring 1983) 721, at 725.

[238] First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978).

[239] 455 U.S. 129 (1982).

[240] 453 U.S. 182 (1981).

The net effect of the judicial "policy making" has been to render the conditional expenditure limitations upheld in Buckley essentially meaningless in practical terms. The exponential growth and proliferation of PACs since 1974 amply demonstrate the ease with which expenditure limitations may be side stepped.

The combination of "independent expenditures" and expenditures from the "private/family funds" supplied by a candidate still generate a significant advantage for candidates with personal wealth or powerful connections. Ideally the disclosure requirements should serve to limit the influence "big money" has over politicians, but disclosure does little to compensate for financial equities between campaigns.

Financial inequality distorts the democratic process because it tends to impede marginally funded individuals from contesting an election. The expenditure limitations are, for the most part, aimed at advancing the goal of political equality between wealthy and less wealthy candidates, and between incumbents and challengers. Another element in maintaining the accessibility of public office is public funding. More than a decade after Buckley several states have chosen to subsidize various state campaign expenses.[242] The funding, subject to certain minimum requirements is available to candidates, parties, or both. Unfortunately, any scheme which designates candidates worthy of public funding, will necessarily exclude some groups or individuals which claim a right to receive the subsidy.

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[241] Ibid., p. 201.

[242] 2. See Ala. Code § 17-16-2 (1975), § 40-18-146 (Supp. 1985); Alaska Stat. § 43.20.013 (1983); Ariz. Rev. Stat. Ann. § 16-804(A) (1984), § 43-1059 (1980); Ark. Stat Ann. § 84-2016.5 (1980); Cal. Rev. & Tax Code §§ 17245, 18701 to 18760 (West Supp. 1985), Elec. Code § 6430 (West 1977); D.C. Code Ann. § 47-1806.5 (1981 &

Some commentators claim that various state level public funding schemes violate the equal protection mandate of the fourteenth amendment.[243] Hamilton suggests that the judicial scrutiny of constitutional issues depends on the structure of the mechanisms used to publicly fund elections.

Supp. 1985); Hawaii Rev. Stat. §§ 11-208 to -209, 11-217 to 229 (Supp. 1984), § 235-102.5 (Supp. 1984); Idaho Code §§ 34-501, 34-2501 to -2505 (1981 & Supp. 1984), § 63-3088 (1976 & Supp. 1985); Ind. Code §§ 9-7-5.5-1 to 10 (1982 & Supp. 1985); Iowa Code Ann. § 43.2 (West 1973 & Supp. 1985), §§ 56.18 to .26 (West Supp. 1985); Ky. Rev. Stat §§ 118.015, 121.230, 141.071 to .073 (1982 & Supp. 1984); Me. Rev. Stat. Ann. tit. 21, § 1 (1983 & Supp. 1984), § 321 (1983), tit. 36, § 5283 (1978); Mass. Ann. Laws ch. 10, §§ 43 to 45 (Michie/Law. Co-op 1980), ch. 50, § 1, ch. 53, § 6, ch. 55A, §§ 1 to 12, ch. 62, § 6C (Michie/Law, Co-op. 1978 & Supp. 1985); Mich Comp. Laws Ann. §§ 169.271 to .281 (West Supp. 1985); Minn. Stat. Ann §§ 10A.01, 10A.25, 10A.30 to .33 (West 1977 & Supp. 1985); Mont. Code Ann. §§ 13-37-301 to -308 (1985); N.J. Stat. Ann §§ 19:44A-7, 44A-27 to -44 (West Supp. 1985), § 54A:9-25.1 (West 1985); N.C. Gen. Stat. § 105-159.1 (1979 & Supp. 1985), §§ 163-96, 163-278.41 to .45, 163-278.6 (1982 & Supp. 1985); Okla. Stat. Ann. tit. 26, §§ 1-107 to -109, 5-112 (West 1976 & Supp. 1984), §§ 18-101 to -113 (West Supp. 1984); Or. Rev. Stat. §§ 248.008, 316.102 (1983); R.I. Gen. Laws § 17-12.1-12 (1981), § 44-30-2(e) (1980 & Supp. 1985); Utah Code Ann. § 20-3-2(g) (1984), §§ 59-14A-99 to-100 (Supp. 1985); Wis. Stat. Ann. §§ 11.26, 11.50, 20.855 (West Supp. 1985).

[243] John M. Hamilton, "State Campaign Finance Schemes and Equal Protection" Indiana Law Journal, Vol. 61 (1986), p. 252.

> [t]he existence of such barriers does not of itself compel close scrutiny...In approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters.[244]

He advocates a more relaxed constitutional scrutiny associated with public funding only when such funding has expenditure limits attached as a condition to the receipt of funds. He continues:

> State schemes that have proliferated in the last decade unfortunately have not generally followed the approach of injecting some public money into political campaigns in order to rein in increasing overall expenditures, and to help reduce the significance of wealth disparities among candidates and voters. Rather, most states distribute public subsidies as bonuses to political candidates and parties. When states supplement private campaign funds with public funds, merely adding public fuel to the private fire, equal protection demands that strict scrutiny protect any candidates or parties who are excluded from public subsidy. Discriminatory campaign finance schemes offer current major parties seductive means to accumulate and maintain political power. Equal protection scrutiny is essential to restrict such discrimination in the political arena.[245]

A further issue was raised with respect to the implications of providing public funds to a political party which in turn disburses the funds to candidates within the state or area. Hamilton concludes that some of the methods of distribution would seem to establish that the parties involved are acting as surrogates for the state and therefore would be performing state actions subject to the fourteenth amendment. In the alternative, the party's private actions may infringe on constitutional rights of other private parties such that a state subsidy would constitute an invalid support of private discrimination.[246]

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[244] Bullock v Carter, 405 U.S. 134 (1972), at 143.

[245] Note 243 supra, p. 286.

> when a state structures its electoral apparatus in a form which devolves upon a political organization the uncontested choice of public officials, that organization itself, in whatever disguise, takes on those attributes of government which draw the Constitution's safeguards into play.[247]

(e) 1979 AMENDMENTS

In 1979, Congress made further changes in the law primarily as a result of the 1976 and 1978 elections. The 1979 amendments to the FECA, enacted in January of 1980, included provisions that simplified reporting requirements, encouraged party activity at State and local levels and increased the public funding grants for Presidential nominating conventions. Minor amendments were further adopted in 1982, 1983 and 1984.[248]

(f) THE PACs

Spending sky-rocketed when the ceiling on candidates' total expenditures was removed following the Buckley decision. The number of political action committees (PACs) increased dramatically because the Act forced candidates to seek large numbers of small contributions, and encouraged individuals who wanted to influence electoral outcomes to join together to maximize the impact of their money. Although federal law limits the amount of money any PAC can give to a candidate for a national office, there is no limit on the number of PACs that can be established with similar goals and no aggregate limit on the amount of money a candidate can receive from PACs.[249] Moreover, the limit on PAC contributions is three times greater than the limit on individual contributions. Consequently, a candidate can raise more than half his/her election financing from special interest PACs.

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[246] Ibid., p. 282.

[247] Terry v Adams, 345 U.S. 462 (1953) at p. 484.

[248] Note 217 supra, p. 3.

PACs are connected organizations that finance and control political funds. These organizations, for the most part, are composed of individuals forming part of entities unable to expend funds directly to influence the federal election process because they are corporations or unions prohibited from doing so under the Federal Election Campaign Act.[250] Through the establishment of a separate fund into which contributions are collected, these organizations take part in the financing of federal campaigns.

> There is nothing inherently evil about PACs: they are merely campaign committees established by organizations of like-minded individuals to raise money for political purposes, a valid aspect of the democratic

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[249] Joel Goldstein, The Future of Campaign Financing Reform, paper prepared for presentation at the ninth annual conference of the Council on Government Ethics Laws, Quebec City, Canada, September 1987, p. 10.

[250] United States Federal Election Law: Federal Regulation of Political Campaign Finance and Participation, No. 5 (New York: Ocean Publications, 1984), p. 53.

> process...but the power of PACs has upset the delicate balance between private interests and the public good.[251]

Initially, the law formalized the role of PACs to provide a well-regulated channel for individuals to get together and support candidates. However, their number proliferated beyond expectation and they pour far more money into campaigns than ever expected. They are indeed a growth industry. The largest number and greatest rate of increase is among corporate PACs, numbering approximately 1750 in 1986. The next largest category is the unconnected PACs, numbering slightly over 1,000.[252] The amount of money contributed by corporate PACs in support of federal candidates increased from $10 million in 1978 to nearly $50 million in 1986.[253] In contrast, labour PACs contributed only $25 million in 1986. In general, PAC contributions account for one half to one third of campaign funding.[254] The growing importance of PAC donations means that the scramble for such money has become an integral part of campaigning.[255]

Corporate and special interest PACs seem to adhere to a fundamental thesis of political science in their donation patterns--that money buys access to government. As one executive with a large corporate PAC sees it dialogue with politicians "is a fine thing, but with a little money they hear you better."[256]

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[251] Walter Isaacson, "Running with the PACs" Time Magazine, 25 October 1982, p. 12.

[252] Federal Election Commission, Annual Report 1986, p. 31.

[253] Ibid., p. 32.

[254] Ibid., p. 34.

[255] Note 251 supra, p. 14.

[256] Wall Street Journal, 15 August 1978, p. 1.

Many PACs target contributions to reach the chairmen and members of the congressional committees that can directly affect their industry or concerns. The relationship suggested was aptly described by Senator Robert Dole of Kansas:

> when these PACs give money they expect something in return other than good government.[257]

That 'something' is the votes of legislators on key issues, and is therefore quite often detrimental to the public interest and to the public purse. Anti-PAC crusader Philip M. Stein contends that special interest donations have often been used to purchase crucial votes from U.S. legislators. Citing reports in the Wall Street Journal and elsewhere, Stein, in his recent book The Best Congress Money Can Buy, accuses several lawmakers including Robert Dole,[258] of flip-flopping on issues after they received big campaign contributions.

Clearly, PACs need to be regulated. The only way to ensure that the best candidates have the best change of winning elections in the future is to establish limitations on PACs. Without such laws, more and more candidates will buy elections. J. Shelly Wright advocates reducing PAC influence by lowering the acceptable contribution ceiling from them and setting a maximum level for aggregate PAC contributions per candidate.[259] However, in 1985 the United States Supreme Court, in the case of FEC v. National Conservative Political Action Committee[260] invalidated a provision in the Presidential Election Campaign Fund Act limiting the amount of money PACs could spend promoting presidential candidates on the ground that it infringed on the constitutional rights of freedom of speech and association.

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[257] Time Magazine, 6 June 1988, p. 24.

[258] Ibid.

[259] J. Shelly Wright, Money and the Pollution of Politics: Is the First Amendment an Obstacle to Political Equality? 82 Columbia Law Rev., 1982, p. 609.

[260] 105 S. Ct. 1459 (1985).

> [I]n so doing, the court invalidated yet another legislative attempt to limit the influence of money in politics by restricting campaign contributions and expenditures.[261]

Another option would be to increase the maximum individual contribution to a campaign to help dilute the power of PACs.

PAC supporters have argued that special-interest money will always find a way to flow into campaigns and that the PAC channel keeps the process regulated and open to public scrutiny. They have further argued that small donors, who once felt they had no impact, can now pool their money with like-minded voters.[262] Although this may be true theoretically, statistically corporate PACs are the most numerous and contribute the largest amount of money. It is unlikely that individual citizens will join such PACs.

(4) SUBSIDIES FOR CANDIDATES

Existing state level campaign legislation differentiates between major and non-major parties. Fourteen American jurisdictions provide for limited public subsidies to certain candidates contesting public offices.[263] Of those, only six provide funding conditional upon the acceptance of significant expenditure ceilings.[264]

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[261] Note 231 supra, p. 400.

[262] Note 251 supra, p. 16.

In Hawaii a candidate for a party designated as "major" who has qualified for an election ballot who agrees to expenditure ceilings, reporting requirements *and* has received a predetermined minimum amount of private financial support, qualifies to receive dollar-for-dollar matching funds up to a maximum.[265] Non-major party candidates are not required to have a minimum vote percentage to qualify for public funds. The financial support is available to any candidate on the ballot, and contributions to candidates are tax deductible only if the candidate has agreed to the statutory expenditure limits.[266]

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[263] See Note 242 *supra* for citations to statutes from Alaska, Arizona, Arkansas, District of Columbia, Hawaii, Massachusetts, Michigan, Minnesota, Montana, New Jersey, Oklahoma, Oregon and Wisconsin.

[264] Hawaii Rev. Stat. §§ 11-208, -209, -218 (Supp. 1984) (sets per-voter ceilings on candidates who accept public funds; gubernatorial candidates, for example, limited to $1.25 per voter at last election), §§ 235-7(g)(2), 235-102.5 (Supp. 1984) income tax check-off clause, and income tax deduction for political contributions); Mich. Comp. Laws. Ann. § 169.267 (West Supp. 1985) (gubernatorial candidates limited to $1 million in overall expenditures), § 169.261 (West Supp. 1985)(income tax check-off); Minn. Stat. Ann. § 10A.25 (gubernatorial candidates limited to the larger of $600,000 or 12.5 cents per state resident), § 10A.31 (income tax check-off which taxpayer can designate to particular parties) (West 1977 & Supp. 1985); N.J. Stat. Ann. § 19:44A-7 (West Supp. 1985) (gubernatorial candidates limited to $1.05 per voter at last election), § 54A:9-25.1 (West 1985)(income tax check-off); Wis. Stat. Ann. § 11.31 (West Supp. 1985) (gubernatorial candidates limited to $500,000), § 20.855 (West Supp. 1985) (income tax check-off).

[265] Hawaii Rev. Stat. §§ 11-208 to -209, 11-217 to -229 (Supp. 1984), § 235-102.5 (Supp. 1984).

The legislation in Alaska imposes relatively lenient qualifications for candidates seeking public subsidies and the candidate need not agree to expenditure ceilings to be eligible. Tax credits of up to $100 are available for contributions to political campaigns of almost all candidates for federal, state, or local office.[267] Arizona, Arkansas and The District of Columbia have similar provisions in their election finance legislation though the tax credit varies.[268] The tax credit is available in Oregon for contributions to any candidate who either files a declaration of candidacy or is listed on the ballot.[269]

The Massachusetts legislation has no provision for an expenditure ceiling but does require that a candidate actually appear on the ballot in order to qualify for a subsidy.[270] The state provides a subsidy for candidates at both the primary and general election level who are running state-wide. Matching funds are made available to candidates certified to be on either ballot. Provisions are made for candidates not affiliated with any political party. These independents can gain access to the general ballot by submitting a petition signed by at least 5% of the last total vote for the office sought.

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[266] Hawaii Rev. Stat § 235-7(g)(2)(Supp. 1984).

[267] Alaska Stat. §43.20.013(1983).

[268] Ariz. Rev. Stat. Ann. §43-1059 (1980); Ark. Stat. Ann. 84-2016.5 (1980); D.C. Code Ann. §47-1806.5 (1981 & Supp. 1985).

[269] Or. Rev. Stat. §316.102 (1983).

[270] Mass. Ann. Laws ch. 10 §§ re to 45 (Michie/Law. Co-op. 1980), ch. 50, § 1, ch. 53, § 6, ch. 55A, §§ 1 to 12, ch. 62, § 6C (Michie/Law. Co-op. 1978 & Supp. 1985).

In Minnesota, candidates for state executive and legislative offices may receive money from the State Elections Campaign Fund if they agree to abide by campaign spending limits. Candidates qualify for funds from two sources:

(1) the party account, and
(2) the general account.

Funds are available from the party account if the candidate wins the nomination of a major party in the primary election or if he/she wins the nomination of a minor party by petition to the general election ballot. Statewide candidates are eligible for funds from the general account if they receive 5% of the votes cast for the office sought in the general election. Similarly, legislative candidates are eligible for the funds if they receive 10% of the votes cast for the office sought in the general election. Certain provisions and limitations attach to the candidate's eligibility for public funds.

Although no expenditure restrictions are imposed on a candidate's campaign in Montana, the candidate's name must appear on the ballot if public subsidies are to be received.[271] The state subsidizes in equal shares the general election campaigns of all candidates for governor and lieutenant-governor who are nominated by their political parties. The subsidy is further limited by the qualification for a "political party" in the state. To be so designated a party must have had a candidate run for Governor in the last general election and that candidate must have received more than 5% of the total votes cast for that office. The historical qualification excludes new or expanding parties who either failed to run a gubernatorial candidate or did not receive 5% of the vote.

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[271] Mont. Code Ann. §§ 13-37-301 to -308 (1985).

New Jersey provides matching funds to any candidates for Governor in the primary and general elections who receive sufficient private contributions and agree to expenditure ceilings.[272] Similarly, candidates running for Governor in Michigan who receive private contributions and wish to receive matching funds must agree to expenditure ceilings.[273]

The legislation in Oklahoma does not require the candidate to agree to be governed by expenditure limitations, but in order to receive public subsidies the name of the candidate must actually appear on the ballot.[274] After the campaign commissioner certifies which state-wide candidates will, in fact, be on the ballot, those candidates will receive money directly. Qualified candidates are entitled to receive dollar-for-dollar matching grants which are not restricted to any minimum requirement for eligibility. If an individual does not receive a party nomination, that candidate can get his/her name placed on the ballot either by paying a filing fee or submitting a petition signed by 5% of the eligible voters.

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[272] N.J. Stat. Ann. SS 19:44A-7, -29 (West Supp. 1985).

[273] Mich. Comp. Laws Ann. SS169.262, 169.267 (West Supp. 1985).

[274] Okla. Stat. Ann. tit. 26, SS 1-107 to -109, 5-112 (West 1976 & Supp. 1984), SS 18-101 to -113 (West Supp. 1984).

California recently enacted the Legislative Election Reform Act of 1987. The Act imposes both contribution and expenditure limitations and establishes a campaign reform fund. If a candidate chooses to accept financing from the fund, he/she must comply with the expenditure ceilings. Moreover, the Act imposes further stringent requirements for qualification and devises a specific formula in determining the amount to be received. The campaign reform fund is to be funded through an individual tax check-off scheme.[275]

In 1987, a Bill was introduced in The General Assembly in Illinois that provided for partial public funding of election campaigns for the offices of Governor and Lieutenant Governor. The Bill declared it to be in the public interest to provide partial financing so that candidates for election to the offices could conduct their campaigns free from the predominance of special interest influence. Public matching funds to eligible candidates were to be made on a dollar for dollar basis but would not match the first $100,000. The Bill was specific and detailed and was ultimately vetoed by the Governor because it was felt that there were not sufficient funds in the general revenue to support it.

As in Illinois, a Bill was introduced in the Pennsylvania General Assembly in 1987 regarding limited public financing of elections for certain offices.[276] Any candidate for specified offices could apply for Fair Campaign Funding if they met the established contributory thresholds. The Bill established a maximum amount of funding available and stipulated the uses to which the funds could be applied. Although the issue of public financing has surfaced in every session of the General Assembly, public financing continues to be non-existent in Pennsylvania.

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[275] Legislative Election Reform Act of 1987, chapter 5 to Title 9 of the Government Code, ss.85100-85507.

[276] House Bill No. 452, Session of 1987.

(5) SUBSIDIES FOR PARTIES

Subsidies provided to political parties in the United States raise the spectre of the "state action" doctrine. The public subsidy may delegate state authority and support so that in disbursing the funds the party performs "state actions" subject to the fourteenth amendment, or the party's private actions may infringe on constitutional rights of other private parties so that a state subsidy would constitute an invalid support of private discrimination. As a consequence, these subsidies must undergo two separate equal protection analyses.

> First, a state might unconstitutionally discriminate against non-major voters by the mere subsidization of some parties and not others. Second, the manner in which a party disburses public funds may itself violate constitutional rights of a non-major voter, either as state action by the party or by the state subsidization of private party action that discriminates against non-major voters.[277]

A further caution should be noted about the use of state-wide measures to determine a party's eligibility for subsidies. When candidate-oriented schemes use state-wide measures to evaluate state-wide candidates, there is an obvious rationale. Funding is for state-wide campaigns and for state-wide offices, so support can be measured state-wide. This rationale is lacking when subsidies are given to parties. Parties need not be state-wide, and funding cannot constitutionally mandate this result. Local parties must have access to funds in proportion to their state opponents.[278]

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[277] Note 243 supra, p. 279.

The following states provide for subsidies to political parties: Alabama, Alaska, Arizona, California, Hawaii, Idaho, Indiana, Iowa, Kentucky, Maine, Minnesota, North Carolina, Oklahoma, Oregon, Rhode Island and Utah.

Alabama has an income tax check-off for an individual taxpayer to designate the political party of choice to receive a public subsidy. However, to qualify as a political party, that party's candidates must have received at least 20% of the popular vote during the most recent election on both a state-wide and county basis. A taxpayer in a given county may only designate the tax check-off to go to those political organizations that received at least 20% of any state-wide vote, or at least 20% of a county-wide vote.[279]

The state of Kentucky also uses an income tax check-off which permits an individual to designate a political party directly to which the public subsidy is to be sent.[280] Again, the restriction is in the form of "what constitutes a political party." In Kentucky, only organizations that received at least 20% of the total votes cast in the last general election qualify as political parties.

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[278] Fleishman, "Public Financing of Election Campaigns: Constitutional Constraints on Steps Toward Equality of Political Influence of Citizens", 52 N.C.L. Rev. 349 (1973), at pp.393-94.

[279] Ala. Code § 17-16-2 (1975), § 40-18-146 (Supp. 1985).

[280] Ky. Rev. Stat. §§ 118.015, 141.071 to .073 (1982 & Supp. 1984).

In Rhode Island a subsidy is available only to political parties who ran a gubernatorial candidate and whose candidate received at least 5% of the popular vote.[281] The distribution of the funds is overseen by a special committee which is designed to prevent the flow of public funds to any individual candidate. Political parties in Indiana must also receive at least 5% of the popular vote in order to be eligible for public subsidies.[282]

Utah provides for a subsidy designated by the taxpayer to qualified political parties. To qualify a party must either have received 2% of the total vote cast for all representatives in congress or have filed a petition with the signatures of 500 voters after holding a state-wide convention.[283] At this point the subsidies are turned over to the parties for use in the manner prescribed by the state.

In both California and North Carolina, special committees have been established to oversee the distribution of public funds given to parties. The party is required to use all monies on candidates' campaigns and may not apply the funds to general party expenses.[284]

(6) COMMENTS

Increased campaign spending distorts the election process. The public funding of election expenses is seen by many as a desirable method of levelling the campaign finance playing field. Nineteen states have some sort of public financing system. The system makes access to public office more widespread, can help offset special interest contributions and allows candidates to spend less time raising funds and more time speaking with voters. Although the program costs the state money if the tax check-off system is used, the add-on system might not collect enough money to make the program effective. Maryland uses the voluntary add-on system and has been unable to raise the money necessary to allocate any matching funds. The states that either have a public funding system or have considered implementing one have had to target five main issues: for which offices should the funds be made available; what will the source of the funding be; how will the funds be calculated and distributed; how will a candidate's eligibility be determined, and will spending limits be imposed. As campaign spending continues to sky-rocket, more states will look to public funding and expenditure limits as a means of ensuring equal opportunity for those seeking public office.[285]

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[281] R.I. Gen. Laws § 17-12.1-12 (1981), § 44-30-2(e) (1980 & Supp. 1985).

[282] Ind. Code §§9-7-5.5-1 to-10 (1982 & Supp. 1985).

[283] Utah Code Ann. § 20-3-2(g) (1984).

[284] Cal. Rev. & Tax Code §18760 (West Supp. 1985); N.C. Gen. Stat. §163-278.42 (1982 & Supp. 1985).

(7) CONCLUSION

Prior to the 1970s, American campaign finance was devoid of meaningful disclosure legislation. The jolt of public awareness provided by the Watergate scandal plus the general upward spiral of media costs combined to give impetus to several major pieces of legislation. Thus, by the mid-1970s, political life in America ceased to be an unregulated "industry."[286]

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[285] West Virginia "Campaign Finance Task Force" Study, 1987.

[286] Note 214 supra, p. 1.

Today, most states have enacted legislation which at the minimum, imposes disclosure requirements of contributions and expenditures, and at the maximum, restricts the amounts which may be contributed to or spent on a campaign.

The problem with election finance legislation continues to be in enforcing it. Recently, an individual was indicated for allegedly making $200,000 in illegal contributions to Gary Hart's 1984 presidential campaign and to the successful Senate races of Massachusetts and Colorado Democrats. He had been accused of evading the $1,000 limit on individual contributions to presidential campaigns by reimbursing employees and associates who gave money to Hart. He is the first person charged with major election-law violations since the Watergate scandal, notwithstanding the plethora of legislation that has since been enacted.[287]

Since the mid-1970s when legislation regarding the control of election financing was first passed, many critics have suggested that it was an ill-planned over reaction to a current situation. They are also concerned with the detrimental effects of regulation on candidates, parties and the political process.[288] Yet the length of the election campaign period in the United States continues to foster massive spending which itself requires financing. In order to maintain control over campaigns and ensure fair access to public office, contributions and expenditures must be controlled. Unequal access to resources should not be the method of determining who is to govern and what policies will be pursued.

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[287] Time Magazine, 20 June 1988.

[288] A Comparative Survey of Election Finance Legislation, 1983. Commission on Election Finances, Toronto, p. 131.

PART FOUR

AUSTRALIA AND NEW ZEALAND

(1) AUSTRALIA

The Australian political system represents a significant departure from the Canadian structure of government as they elect both the House of Representatives and the Senate. Elections for the two bodies are not necessarily concurrent, resulting in minor variations in the treatment for the purposes of financing and disclosure. It is compulsory for a person entitled to vote to register and to vote. Failure to vote absent a valid reason, makes the offender liable to a fine of $50. Another significant difference is the number of political parties registered to claim the public subsidies. In the 1984 general election, 17 unrelated parties were registered for the purpose of receiving public funding. Of these, no less than 8 were eligible for at least a minimal reimbursement connected with campaigns for the House of Representatives.

Australia first enacted their Electoral Funding and Disclosure (FAD) legislation prior to the federal election of 1984. The legislative scheme is based on the recommendations made by the Joint Select Committee on Electoral Reform in its First Report, dated September 1983. The Committee's recommendations were incorporated into legislation by amending the Commonwealth Electoral Act, 1918. The effect of the reforms was to impose disclosure requirements for contributions and political expenditures, while concurrently implementing a broad public subsidy scheme. There were no expenditure limitations imposed by the FAD nor is any reform in that area contemplated at this time.

(a) DISCLOSURE

The FAD legislation recognizes a number of groups for the purpose of requiring disclosure. These include: registered parties; Senate groups; independent candidates; third parties; and publishers or broadcasters. The first three groups are distinguished on the basis of party endorsement. If a political party endorses a candidate or Senate group, the party agent, at the state and eventually the federal level, is responsible for filing documents.

The Election Act provides for the appointment of agents by political parties and by State or Territory branches of parties. A party which operates nationally and in each State and Territory will need an agent at the national level and an agent for each of the six States and the two Territories. If there is no appointment of agent in force at the national level, the national secretary of the party is deemed to be the agent. If there is no appointment of agent in force for a State or Territory branch, the State or Territory secretary is deemed to be the agent. A candidate, including an individual member of a Senate group, may appoint an agent. If there is no appointment of agent in force, each candidate is deemed to be his/her own agent.

The election funding and financial disclosure scheme, so far as it affects political parties, candidates and Senate groups, operates through the system of agents. It imposes responsibilities on party agents at the national and State/Territory levels, on agents of candidates, and on agents of Senate groups. The agent is responsible for furnishing returns to the Australian Electoral Commission detailing gifts received and electoral expenditures incurred on behalf of the party, candidate or Senate group making the appointment. The agent must also submit any claim for payment of public funding to which the party may be entitled.

Senate groups or candidates not endorsed by a registered party are treated on the same basis as a registered party for the purposes of disclosure and receiving a public subsidy. Senate groups file a collective return while independent candidates must file their own returns.

"Third Parties" are required to file returns if they incurred or authorized electoral expenditures totalling more than $200. If the expenditure is incurred outside the election period then the third party need not file a return. Electoral expenditures require only that the immediate source of the funds be identified, not the original donor. As a result, this leaves an opening for the development of PAC-like organizations since the name of the "third party" organization and the names of members of its managing body only are required to be disclosed.

The periods for which disclosure is required vary depending on the character and nature of the political organization filing. A national party is responsible for disclosing all gifts received and expenditures incurred since the previous general election. Similarly, if a candidate ran in a previous election and then runs again, his or her reporting period would include all the time between the polling days, regardless of whether or not the candidate was elected in the first race. New candidates and senate groups have reporting periods which are linked to registration or the declaration of an intention to be a candidate/group, whichever is earlier.

(b) CONTRIBUTIONS

There are some special features worth noting about the treatment of gifts (contributions). The maximum anonymous gift is $200. For independent candidates, gifts over $200 from a single donor must be disclosed. The disclosure limit for a party or senate group is $1,000. There are no absolute limits on the amount a donor may contribute to any or a single political organization.

Provision is made in the act for "non-disclosable gifts." If the donor designates that the gift is not to be used "for the purpose of a commonwealth election" then the gift does not have to be disclosed regardless of the amount. In the case of candidates, a gift does not have to be disclosed if it is made by a donor in a private capacity to the candidate for the candidate's private use. In addition, gifts made by the candidate do not have to be disclosed unless the gift is made directly to the campaign committee.

Taken as a whole, these "non-disclosable gift" provisions could be seen as a significant threat to the efficacy of the remaining disclosure requirements. In the absence of some public funding scheme they would also represent an unfair financial advantage to candidates with personal wealth or access to large pools of capital.

(c) PUBLIC SUBSIDIES

In an effort to balance the financial resources for all legitimate candidates the Election Act provides for a generous public subsidy for those persons or groups who qualify. The main purposes cited by the Joint Select Committee for the introduction of Public Funding were:

> to remove the necessity or temptation to seek funds that have conditions attached; to ensure that different parties have an equal opportunity to present their policies to the electorate during an election campaign; and, to help counter the problem created by the mounting costs of electioneering particularly due to the increased use of television.[289]

The threshold for qualification is 4% of the formal first preference votes in the relevant election. In the case of candidates or senate groups who receive 4% of the preference votes and are endorsed by a registered party, the subsidy accrues to the party, not the candidate. Senate groups not endorsed by a registered party[290] are to divide the reimbursement among the members of the senate groups by consensual agreement. Independent candidates receiving more than 4% of the vote receive the subsidy directly.[291]

In light of the compulsory voting requirement and the number of candidates, groups and parties contesting the elected positions, the 4% percent threshold seems low but understandable. In fact, two of the parties registered to receive public funding for the 1984 election failed to meet this minimum standard. One party even complained to the Electoral Commission that the threshold was too high.

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[289] Australian Electoral Commission: Election 1984, Election Funding and Financial Disclosure--Interim Report; p. 59.

[290] There were seven senate groups in this category for the 1984 election.

[291] Sixty-one independent candidates were registered for the 1984 election.

The subsidy itself is based on the number of votes actually cast in favour of the candidate or organization claiming the reimbursement. A registered party can claim 60¢ for each vote for the House of Representatives in a district where the endorsed candidate received more than the 4% threshold. The same basis is used for senate reimbursement but the entitlement per vote is variable depending on whether or not the senate election is concurrent with the election for the House of Representatives. If the senate race is concurrent then each vote is worth 30¢, but any other senate election sets the figure at 45¢. Candidates and senate groups not endorsed by a registered party receive funding on a similar scale. It should be noted that these figures represent a 1984 base which is subject to review every six months and adjusted in line with increases in the All Groups Consumer Price Index.

The Electoral Commission experienced some difficulty with the subsidy provision following the 1984 election. The "Nuclear Disarmament Party" submitted a return detailing electoral expenses amounting to only 27.9%[292] of the total expenditure certified by the auditor. Subsequent investigation raised sufficient doubt at the Commission as to the validity of wages paid to the candidate by the party to cause the Commission to revoke the determination of the claim and order the money returned to the Commission. By June 1986 no part of the public funding payment of $10,646 which had been remitted to the Commission had been returned to the party.

(d) ENFORCEMENT

In general, the Commission has taken an active role in ensuring compliance with the FAD legislation. Following the 1984 election, 17 matters were referred to the Australian Federal Police. Of those, proceedings continued against 5 resulting in at least 3 convictions for failure to file. The attitude towards the other matters was summed up by the Deputy Director of Prosecutions who advised that:

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[292] Note 289 supra, p. 18.

> [P]rosecution action would serve no useful purpose and any prospect of `deterrent effect' must be weighed against the prospect that the court may comment adversely on the decision to prosecute. It is not in the public interest to proceed with prosecution action....... The prosecution policy of the commonwealth does not require that every offence brought to notice must be prosecuted.[293]

One final item of note involves the publication of returns. All returns are released to the public on a common release day, 24 weeks after polling day. The common release is intended to eliminate any undue exposure caused by the release of a single return in advance or significantly following the release of the bulk of the financial returns relating to an election.

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[293] Australian Electoral Commission: Election 1984, Election Funding and Financial Disclosure--Final Report; pp. 15-16.

(2) NEW ZEALAND

In 1986, New Zealand published the final report of the Royal Commission investigating their electoral system.[294] Entitled Towards a Better Democracy, the report dealt with a wide range of contemporary issues including recommendations with respect to the area of political financing. The Commission investigated both the theoretical consequences and the practical results which would follow the imposition of either or both contribution restrictions and expenditure limitations. The following is a brief summary of the Commission's findings. It should be noted that, at the time of publication of this survey, the Royal Commission's recommendations have not been transformed into concrete legislation.

New Zealand has had a long history of controlling spending by, and election activities of, individual candidates; however, no limits exist on income and expenditures by political parties.

Traditionally candidates and parties receive only limited financial assistance from their supporters. It was estimated that the total income of the four main political parties, including the branch, electorate, regional and headquarters receipts, amounted to about $7 million [NZ]. Party expenditures also reflect the modest figure. In the three months prior to the 1984 election, candidates for the major parties reported spending, on average, about $3,000 per constituency. The figure was slightly higher for the two main parties, Labour and the

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[294] Towards A Better Democracy, Report of the Royal Commission on the Electoral System (New Zealand, 1986).

National Party. In addition to constituency spending, the aggregate campaign expenditures of the four nation-wide main parties did not exceed $2.5 million.[295] This fact clearly influenced the Commission's judgment when recommendations were made.

The state also provides a limited direct subsidy to the parties in the form of provision of free television and radio time to the political parties during the election campaign. The Broadcasting corporation of New Zealand estimated the value of this service to the parties at $2.3 million for 1984.[296]

The Commission's recommendations were predicated on the fundamental assumptions that excessive state intervention in the democratic process should be avoided. The present system is adequate as a consequence of its relative simplicity and economy.

> [M]easures which are overly restrictive of political activity, or overly generous to some or all political contestants, may lead to public apathy and be a disincentive both to active involvement in election campaigns and even to voting itself.[297]

(a) CONTRIBUTION LIMITATIONS

The Commission carefully scrutinized the effect that restrictions on size and source would have on the existing political system.

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[295] This figure is exclusive of the parties' general administration costs.

[296] Note 294 supra, p. 184.

[297] Ibid., p. 185.

Although concerned that substantial increases in the income of any one political organization could create a situation of disequilibrium, the overriding motivation was the belief that political parties and candidates should be encouraged rather than discouraged to raise the funds necessary to carry on their work. Consequently, though it was considered undesirable if particular parties or candidates relied heavily on powerful interests for funds, or were placed at an advantage relative to their competitors merely by virtue of a few wealthy supporters, other measures were viewed as preferable both in principle and in practice to the limitation of income.

The Commission recommended that no limits be placed on either parties or candidates as to the aggregate amounts they could raise, or limits on the size of individual donations. Furthermore, ex juris contributions were not considered to pose a significant threat to New Zealand's political stability so a prohibition on overseas donations was seen as too costly and complicated to implement.

(b) DISCLOSURE OF CONTRIBUTIONS

New Zealand has had a provision in its electoral law requiring disclosure of income since 1895. However, the disclosure only applies to candidates, not to parties. The Commission analyzed the 1984 general election returns and found that the disclosure requirement was either ignored or fulfilled by reference to the funds provided for a candidate's campaign by the relevant party branch or electorate.[298]

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[298] Ibid., pp. 186-187.

After examining the same type of theoretical arguments contained in Part One of this survey, the Commission came to the conclusion that disclosure provisions were not justified with respect to small donations. In the case of major sources of income, disclosure provisions were seen as both practicable and desirable. It was felt that the disclosure would release valuable information about the character of the parties to the voters. As well, it would demonstrate that political parties and candidates were not dominated by big business, trade unions or overseas interests.

Adequate disclosure was defined merely as requiring each party to provide information detailing its total annual income and identifying all "substantial" contributions and contributions to the party and its candidates. The Commission recommended that registered political parties should be required annually to disclose statements of income at electorate, regional and national levels. Disclosures would simply state total funds received and the names and addresses of donors who gave an aggregate amount greater than $250 at the electorate level, or $2,500 at the regional or national level. The disclosed records would then be made available for public inspection.[299]

Limited source restrictions were also recommended. Only donations received from named individuals, companies or incorporated societies should be considered acceptable. All other donations, along with those received anonymously, should be either returned to the donor or forwarded to the Commission which would apply it to the administrative costs of supervising the system. However, the Commission did not go further and recommend that a candidate's personal income and assets must be disclosed despite the fact that the disclosure provisions contemplated could be circumvented by the provision of large donations given to the candidate personally. Furthermore, in the absence of disclosure of personal finances there is no way of verifying if the candidate is exchanging donations for promises or if political decisions may have been influenced. The Commission felt that this issue was beyond the scope of its terms of reference.

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[299] Ibid., p. 189.

(c) EXPENDITURE RESTRICTIONS

New Zealand currently has limited expenditure provisions in place. Again the restrictions apply only to candidates, leaving the parties unencumbered. As of 1983, candidates were limited to a maximum expenditure on what could be loosely categorized as "advertising." In the three months preceding the election, expenditures could not exceed $5,000.[300] This figure is equivalent to $7,000 in 1986 as measured by the Consumer Price Index. The Commission recommended that the figure be regularly adjusted to keep pace with inflation. There was also some support for the introduction of differential limits to account for the greater campaigning costs for members representing rural ridings. The Commission further recommended that the expenditure limitations should be extended to include spending by or on behalf of political parties. The phrase "on behalf of" would bring election advertising incurred or authorized by a candidate or party or their agents into the accounting for overall election expenses.

Party expenditure limits would be determined by multiplying each party's aggregate expenditure limit in all its constituencies by a factor of 1.5. As of the publication of the report, this meant that the four major parties would be entitled to spend just over $1 million at the party level in a general election. This system was recommended over an alternative which would have seen a global expenditure limit set for the party and all its constituencies which could be divided as the party saw fit. This was rejected as too difficult for the parties to administer in light of the relatively decentralized nature of the political parties in New Zealand.

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[300] The Electoral Act, s.139.

(d) DISCLOSURE OF EXPENDITURES

The Commission considered the disclosure of election expenses to be beneficial and essential to the democratic process even in the absence of expenditure limitations.[301] It was determined that the returning officers should be provided with an audited return of the election expenses incurred during the 3-month campaign period for candidates and parties. To facilitate this requirement, it was recommended that an official agent and auditor be appointed to supervise the expenditures and provide the Returning Officer with the desired financial statements.

The Commission also recommended that the party file an annual return of expenses incurred by the party's central office. There was no corresponding requirement for the local constituencies.

(e) ENFORCEMENT

The Royal Commission believed that the recommendation for the appointment of auditors and official agents would encourage compliance with the measures recommended in respect of political income and expenditure.[302] They further recommended that the Commission be empowered to initiate a prosecution if it found an apparent violation of the requirements. The Commission itself could require a full audit in relation to the disclosure requirements of political parties and independent candidates as and when it saw fit. As an added inducement to compliance, any state funding that a party or candidate may be entitled to would be made conditional on the approval of the necessary financial statements.

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[301] Note 294 supra, p. 199.

(f) PUBLIC FUNDING

The Commission was of the opinion that the extent to which ordinary party members and supporters could meet the sophisticated and costly requirements of parties in a modern democracy was severely limited. Parties should operate as a vehicle through which ideas could be discussed and policies developed. If the parties were to undertake adequate research programmes for the development of new policies another source of funding was needed. If the parties' policies and programmes were inappropriate or poorly researched, either the quality of the government would suffer or the people would be denied the implementation of policies for which they voted. This was seen as an especially important problem for a new and emerging organization such as the Democratic Party.

As a result, the Commission recommended that assistance to political parties and candidates take the form of direct funding on a sliding scale based on voter support. Thus financial assistance would be given to all registered parties and independent candidates who won at least 4% of the total valid vote in the constituency on which they competed. The 4% hurdle was determined to be appropriate in that it would: allow valuable assistance to small and emerging parties; be administratively straightforward; not unduly encourage a proliferation of minor parties; and ensure that only those parties or independent candidates with reasonable support in the community would receive assistance. Those parties and candidates who qualify would receive $1 for each vote received up to 20% of the vote in the constituency(ies), and 50¢ per vote thereafter up to a maximum of 30% of the total valid votes cast.

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[302] Ibid., p. 200.

In an effort to protect against unnecessary public funding of independent candidates, the Commission recommended that state funds should not exceed their official election expenditures. That this qualification did not apply to political parties, however. This omission was in keeping with the intent to assist parties in relation to their wider research and policy functions. The only restrictions of the payment of state funds to the parties are: satisfactory registration, provision of adequate financial statements; and fully disclosed election expenditures. All payments are to be made in a lump sum form.

(g) COMMENTS

The New Zealand proposals are both comprehensive and fair. The introduction of significant disclosure requirements would represent a substantial departure from its current position, but generally conform to similar legislation in North America.

The proposed system has some short-comings which were discussed earlier. Of primary concern is the ease with which the disclosure requirements can be circumvented without being exposed to public scrutiny. The personal acceptance of donations by candidates, and the lack of a disclosure requirement at a regional level leave the system open to potential abuse.

The most distinctive feature of the Commission's recommendations is the comprehensive public funding provisions. The 4% hurdle is extremely low by Canadian standards, although it is the same threshold established in Australia. On the other hand, those who qualify are subsidized on a per vote received basis which appears to be more democratic in practice than jurisdictions which offer a blanket subsidy based on the total number of electors.

The Commission noted that in the course of their inquiries they found the legislation relating to political finance in both Australia and Canada to be extremely helpful and in many areas provided a useful model for the drafting of appropriate New Zealand legislation.[303] Therefore, the treatment of election finances in these jurisdictions closely resemble each other.

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[303] Note 294 supra, p. 230.

SURVEY OF
ELECTION FINANCE LEGISLATION
IN
CANADA
THE UNITED STATES OF AMERICA
AUSTRALIA
NEW ZEALAND

CANADA

DATE: July 1988

ADDRESS:

Chief Electoral Officer
440 Coventry Road
OTTAWA, Ontario
K1A 0M6

REFERENCE:

Canada Elections Act,

R.S.C. 1970 c.14 (1st Supp.)
as amended.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Constituency Association	___
	Party	X
	Other	___
To:	CEO	X
	Commission	___
	Secretary of State	___

Forms: yes X

Audit: yes X

Registration: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X		X	$100		
2. Expenditure	X	X	X	$ 25	X	X

TIME OF FILING:

	Before	**After**
General Election		
Party		6 months
Candidate		4 months

Comments:

Also contributions to be broken by class of donor.

Expenditures under $25 to be reported by totals.

Party also files annual reports.

PUBLIC DISCLOSURE:

By:	CEO
How long are the records kept:	6 months
Manner of Disclosure:	. Public inspection . Publication in local newspaper

CONTROL MECHANISM:

Name: CEO

Duties:		
	Receive Reports	X
	Investigate	X
	Publicize Reports	X
	Refer Violations to AG	X
	Other	

Composition:

A Commissioner of Canada Elections is appointed by the CEO whose duty is to ensure compliance with and enforcement of the Act.

AUDITORS:

The Candidate must appoint an auditor who will prepare a report for the official agent. Four months after polling day, the auditors report is to go to the returning officer.

The report must then be published. At all times the auditor is allowed reasonable access to necessary information. An auditor's subsidy exists which is the lesser of:

(a) $750, or
(b) 3% of the candidate's election expenses.

AGENCY:

Candidate's Agent: Official Agent

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Records
4. File Reports

Party/Association Agent: Chief Agent

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Records
4. File Reports

FUNDING PROVISIONS:

Manner:		
	Tax Deduction	X*
	Tax Credit	
	Tax Checkoff	
	Reimbursement	X
	Other	

* See next page

Details:

Reimbursement:

Candidates elected or polling more than 15% of the vote receive the lesser of:

1. actual expenses, or
2. 15% of maximum election expenses.

EXPENDITURE LIMITATIONS:

Provisions:

1. **Candidate:**

   (a) $1 for each of the first 15,000 names appearing on the preliminary lists of electors for the electoral district; plus

   (b) 50¢ for each name greater than 15,000 but not greater than 25,000; plus

   (c) 25¢ for each name in excess of 25,000.

2. **Registered Party:**

   Aggregate of 30¢ for a name appearing on all preliminary lists of electors for the electoral districts in which there is an official candidate of the party.

CONTRIBUTION LIMITATIONS:

Provisions:

Advertising Regulation:

1. Each broadcaster must make available a total of 6 1/2 hours prime time to registered political parties.
2. Rates charged must not exceed lowest applicable rate.
3. Partisan media advertising restricted to period from 29th day before polling day to midnight of second day before polling day.

PENALTIES:

1. Exceeding expenditure limitations - $25,000 fine (max.)
2. Failure to file or filing a false statement - $25,000 fine (max.)
3. Violating broadcasting provisions - $25,000 fine (max.)
4. Any offence violating Act - $ 1,000 - $5,000 fine (max.)

FUNDING PROVISIONS

A. Tax Deduction

(a) 75% of the amount contributed if the amount contributed does not exceed $100;

(b) $75 plus 50% of the amount by which the amount contributed exceeds $100 if the amount contributed exceeds $100 but not $550;

(c) lesser of:

   (1) $300 plus 33 1/3% of the amount by which the amount contributed exceeds $550, or

   (2) $500.

ALBERTA

DATE: July 1988

ADDRESS:

Chief Electoral Officer
West Chambers Building
Main Floor
12220 Stony Plain Road
EDMONTON, Alberta
T5N 3Y4

REFERENCE:

Election Finances and Contributions Disclosure Act,

R.S.A. 1980 c.E-3, as amended 1982 c.16, 17, 1983 c.L-10.1, S.A. 1984 c.48.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Constituency Association	X
	Party	X
	Other	
To:	CEO	X
	Commission	
	Secretary of State	

Forms:	yes	X
Audit:	yes	X
Annual Return:	yes	X
Registration:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$375	X	
2. Expenditure						

TIME OF FILING:

	Before	After
Primary		
General Election		
Party	-	6 months
Candidate	-	3 months

Comments:

Returns to show aggregates of contributions:

1. less than $40 received from a single contributor,
2. between $40 and $375 received from a single contributor.

Annual returns to exclude information contained in campaign returns.

Individual amounts contributed and the name and address of the contributor to be specified where his or her aggregate contributions exceed $375 during the year.

PUBLIC DISCLOSURE:

By:	CEO
How long are the records kept:	Two years
Manner of Disclosure:	. Public inspection . Publication of summary of candidates expenses.

CONTROL MECHANISM:

Name: CEO

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other - Register Parties	X

AUDITORS:

Only registered parties need to submit audited financial statements. Candidate's financial statements are due 3 months from polling day; constituency associations must simply file financial statements with the C.E.O. each year on or prior to March 31st. Registered party audited statements of assets and liabilities and of receipts and payments to be filed annually by March 31st.

AGENCY:

Candidate's Agent: Chief Financial Officer

Function:

1. Keep Records
2. Issue Receipts
3. Receive Contributions
4. File Financial Statements

Constituency Association's Agent:	C.F.O.
Function:	Same
Party's Agent:	C.F.O.
Function:	Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	X
Tax Checkoff	
Reimbursement	
Other	

Details:

Reimbursement:

1. 75% of contribution if totals not greater than $150,
2. $112.50 plus 50% of contribution if total is greater than $150 but less than $825, or
3. $450 plus 33 1/3% of amount in excess of $825.

Maximum tax deduction of $750 is reached when contributions total $1,725.

EXPENDITURE LIMITATIONS:

Provisions: None

CONTRIBUTION LIMITATIONS:

Provisions:

1. Contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed:
   - (a) in any year,
     - (i) $15,000 to each registered party, and
     - (ii) $750 to any registered constituency association, but not more than $3,750 in aggregate to the constituency associations of each registered party, and
   - (b) in any campaign period,
     - (i) $30,000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and
     - (ii) $1,500 to any registered candidate, and $7,500 in the aggregate to the registered candidates of each registered party.

   Contributions may be made to a registered constituency association at any time except during a campaign period.

   No contributions may be made to a candidate except during a campaign period.

2. Prohibition against anonymous contributions greater than $40 -- must be returned or paid over to C.E.O. Fund-raising functions -- if individual charge is less than $10, it does not count as a contribution, unless requested by contributor. For amount more than $10, less than $50 -- 1/2 amount is considered as an expense, the balance as a contribution, for amounts greater than $50, $25 considered as expense, the balance as a contribution. An annual membership fee for a political party or constituency association of less than $40, is not considered a contribution.

   Individual amounts under $40 given at meetings, not contribution. Contributions of less than 15¢ per month by any member of a trade union or employee organization are not considered contributions by the member. Funds received during campaign period from federal political party not considered contributions (max. $150 per candidate).

PENALTIES:

1. Exceeding limits by person, corporation, trade union or employee organization	- C.E.O. may require that the party in question pay a sum equivalent to the amount by which the contribution exceeded the limitations of the Act to the C.E.O. who shall then pay this amount into the General Revenue Fund.
2. Failure to file - C.F.O.	- $ 1,000 fine.
- party for whom C.F.O. acts	- $ 5,000 fine.
- constituency association or candidate for whom C.F.O. acts	- $ 1,000 fine.
- candidate	- ineligible to sit in Assembly.
3. Contravention of the Act by corporation, trade unions, or employee organizations	- $10,000 fine.
4. Contravention of the Act by individuals	- $ 1,000 fine.

BRITISH COLUMBIA

DATE: July 1988

At the time of the 1988 survey, British Columbia Finance Legislation was under reform.

ADDRESS:

Chief Electoral Officer
421 Menzies Street
VICTORIA, British Columbia
V8V 1X4

REFERENCE:

The Election Act,

R.S.B.C. 1979, c.103 ss.172-178.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Candidate X
Constituency Association ___
Party X
Other ___

To:
CEO X
Commission ___
Secretary of State ___

Forms: yes X sworn

Audit: yes ___

Registration: yes ___

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution						
2. Expenditure						

TIME OF FILING:

	Before	After
Primary		
General Election		60

Comments:

Filed by candidate and central committee of every party.

1. All electoral expenses. ("Statements in detail.")
2. All disputed and unpaid claims.

PUBLIC DISCLOSURE:

By:	Chief Electoral Officer
How long are the records kept:	1 year or until dissolution of assembly, whichever is shorter.
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Chief Electoral Officer

Duties:

Receive Reports	X
Investigate	___
Publicize Reports	___
Refer Violations to AG	X
Other	___

Composition:

Appointed by Lieutenant Governor

AUDITORS:

AGENCY:

Candidate's Agent: Official Agent*

Function:

1. Receive contributions
2. Authorize expenditures
3. Verify and file reports

* Candidate may appoint self.

Party/Association Agent: Secretary and Treasurer of Central Committee

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	X
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

Reimbursement:

S.8.1 The Income Tax Act of British Columbia - effective April 2nd, 1979.

Taxpayer may deduct from tax otherwise payable:

1. 75% of aggregate annual contributions for aggregates of less than $100;
2. $75 plus 50% of the amount of the aggregate which is more than $100, less than $550;
3. The smaller of:
   (a) $300 plus 1/3 or the amount by which the aggregate exceeds $550, and
   (b) $500 - maximum deduction is $500.

EXPENDITURE LIMITATIONS:

Provisions:

1. Allowable expenditures specified.
2. No person to receive pay for promoting election unless for services within categories of allowable expenditures.

CONTRIBUTION LIMITATIONS:

Provisions: None

PENALTIES:

1. Person making payment otherwise than through official agent - $250 fine.
2. Other violations of provisions - minimum $200 fine, maximum $1,000 fine; in default of payment--6 months imprisonment.

MANITOBA

DATE: July 1988

ADDRESS:

Chief Electoral Officer
Room 302
379 Broadway
WINNIPEG, Manitoba
R3C 0T9

REFERENCE:

Elections Finances Act,

S.M. 1982-83-84, c.45,
S.M. 1985-86, c.51, s.14

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Constituency Association	X
	Party	X
	Other	___

Forms: yes X

Audit: yes X

To:	CEO	X
	Commission	___
	Secretary of State	___

Party - Annual and within 3 months of polling day

Candidate - Within 3 months of polling day

Constituency Association - Annual

DETAIL:

1. Every chief financial officer of a political party, or candidate shall file with the C.E.O. a return setting out:

   (a) the total amount of value of contributions received during the period covered by the statement from each person or trade union whose aggregate contributions during that period equal or exceed $250 in total value and the name and address of the person or trade union;

   (b) the aggregate amount or value of contributions received during the period covered by the statement and not included in the totals required to be set out under clause (a) where the amount or value of the contribution is $25 or more and less than $250; and

   (c) the aggregate amount or value of contributions received during the period covered by the statement and not included in the totals or aggregate required to be set out under clause (a) or (b); and

   (d) where aggregate amounts of transfers from a constituency association was $250 or more, the name, address and aggregate amount of any person or organization whose contributions to the constituency association during the year had an aggregate amount of $250 or more.

2. Every financial officer of a constituency association shall file with the C.E.O. a return setting out the name, address, and aggregate value of contributions from any person or organization whose contributions to the constituency association during the year had an aggregate amount of $250 or more.

PUBLIC DISCLOSURE:

By:	Chief Electoral Officer
How long are the records kept:	6 years, then in public archives
Manner of Disclosure:	Public Inspection Publication of Summary

CONTROL MECHANISM:

Name: Chief Electoral Officer

Duties:
- Register Parties and Candidates
- Examine Returns
- Distribute Forms and Guidelines
- Investigate Complaints
- Institute Prosecutions

Note: An advisory committee comprised of one representative from each registered political party exists, to advise the C.E.O.

AUDITORS:

Every political party and candidate must appoint an auditor to review financial returns. There exists an auditor's subsidy of up to $250.

AGENCY:

Candidate's Agent: Chief Financial Officer	**Party's Agent:** Chief Financial Officer
Function: Receive Contributions Issue Receipts File Statements Keep Records of Contributions and Expenses	**Function:** Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	
Reimbursement	X
Other	

Details:

Reimbursement:

A Candidate/Political Party that receives at least 10% of all valid votes cast is entitled to the lesser of:

(a) 50% of allowable expenses, or

(b) 50% of actual expenses.

NOTE: If a candidate or political party exceeds the expenditure limitation the subsidy is reduced $1.00 for $1.00.

Tax Deduction:

s.9(1) The Income Tax Act (Manitoba). A tax payer may deduct from the tax otherwise payable:

(1) 75% of the amount contributed if the amount contributed does not exceed $100;

(2) $75 plus one-half of the amount by which the amount contributed exceeds $100 if the amount contributed exceeds $100 but does not exceed $550; or

(3) If the amount contributed exceeds $550, the lesser of:

(a) $300 plus 1/3 of the amount by which the amount contributed exceeds $550; or

(b) $500.

EXPENDITURE LIMITATIONS:

Provisions:

(All base amounts vary under a formula based on the Consumer Price Index.)

1. (a) **For registered parties in a general election**--80¢ X number of names on the revised voters' lists in electoral divisions where the political party is endorsing a candidate.

   (b) **For registered parties in a by-election**--$1.50 X number of names on the revised voters' lists for the electoral division.

   (c) **For a candidate**:

      (i) in an area less than 30,000 square miles--$1.25 X number of names on the revised voters' list.

      (ii) in an area greater than 30,000 square miles--$2.00 X number of names on the revised voters' list.

2. Advertising expenditures by parties and candidates are limited to:

   (a) **For registered parties in a general election**--40¢ X number of names on the revised voters' lists in electoral divisions where the political party is endorsing a candidate.

   (b) **For registered parties in a by-election**--75¢ X number of names on revised voters' list.

   (c) **For a candidate**--25¢ X number of names on the revised voters' list.

CONTRIBUTION LIMITATIONS:

Provisions:

Fund-raising functions: 1/4 of the charge is allowed for expenses, the balance is considered a contribution. Exception to this is when the charge is less than $15, then no contribution occurs.

No contributions can be accepted from a trust fund or an unincorporated organization other than a trade union, unless the trust or organization can indicate the individual sources and amounts making up the contribution.

PENALTIES:

1. Obstructing	- maximum fine for political party, $5,000; for all others, $1,000.
2. False receipts	- maximum fine for political party, $5,000; for all others, $1,000.
3. False documents	- maximum fine for political party, $5,000; for all others, $1,000.
4. False information	- maximum fine for political party, $5,000; for all others, $1,000.
5. False registration number	- maximum fine for political party, $5,000; for all others, $1,000.

FAILURE TO FILE:

Registered political party which fails to file return is liable to a maximum fine of $20,000. All others liable to $2,000 fine.

Until statement is filed, unsuccessful candidate is ineligible to be nominated as a candidate in any subsequent election.

If candidate is successful they are unable to sit in Assembly until statement is filed.

EXCEEDING EXPENSE OR ADVERTISING LIMITATIONS:

Party - liable to a maximum $20,000 fine.

Candidate - liable to a maximum $ 2,000 fine.

Chief Financial Officer - liable to a maximum $ 2,000 fine.

NEW BRUNSWICK

DATE: July 1988

ADDRESS:

Office of the Supervisor of
Political Financing
Suite 3, 618 Queen Street
FREDERICTON, N.B.
E3B 1C2

REFERENCE:

Political Process Financing Act 1978,

c.P-9.3, as amended by S.N.B. 1978 c.82, S.N.B. 1979 c.41, S.N.B. 1980 c.40, S.N.B. 1986 c.65.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Independent Candidate X
District Association X
Constituency Association ___
Party X
Other ___

To:
CEO ___
Commission X
Secretary of State ___

Forms: yes ___

Audit: yes X

Registration: yes ___

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		
2. Expenditure						

TIME OF FILING:

(a) Official representative of independent candidate must submit a financial return re election expenses within 90 days of polling day.

(b) Registered parties must file election expense statements within 120 days of date fixed for return of the writs for a general election.

(c) Also registered parties must submit financial returns reporting all other expenditures (i.e. non-election expenditures) and their assets.

By October 1st for first six months, April 1st for last six months. If deadline falls during an election period, the date is extended 90 days from polling date.

(d) Registered district associations must submit one such general financial statement (as in (c)) annually.

PUBLIC DISCLOSURE:

By: Supervisor

How long are the records kept: 6 years

Manner of Disclosure: Public inspection and publication of candidate/party statements--The Royal Gazette.

CONTROL MECHANISM:

Name: Supervisor of Political Financing

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other: draw up forms and guidelines	

Composition:

Supervisor appointed by Lt. Governor in Council on the recommendation of the Legislative Assembly. Advisory Committee composed of the Supervisor, the Chief Electoral Officer and two representatives of every party holding seats in the House.

AUDITORS:

Duties:

1. Report that returns are presented fairly, and
2. Report that report meets auditing standards.

The auditor shall have complete access to necessary information.

The supervisor will reimburse political parties up to $2,000 for auditing expenses.

AGENCY:

Candidate's Agent: Official Representative

Function:

1. Authorize Expenditures
2. Receive Contributions
3. Keep Records and Issue Receipts
4. File Reports

Party's Agent: Official Representative/ Chief Agent

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	
Reimbursement	X
Other	

Details:

Tax Deduction:

s.2.1. The Income Tax Act of New Brunswick.

Taxpayer may deduct from income tax otherwise payable:

1. Three-quarters of the total contributions if they do not exceed $100;
2. $75 plus one-half of the amount if the total is between $100 and $550, or
3. The lesser of:
   (a) $300 plus one-third of the amount by which the total exceeds $550 if the total exceeds $550, and
   (b) $500.
4. **Maximum total deduction is $500.**

Reimbursement:

Public Financing of Political Parties and Candidates:

Under Section 31, 32 of the Act:

S. 31 An annual allowance shall be payable for the year 1979 and each subsequent year:

(a) to every registered political party represented in the Legislative Assembly on the first day of January of each year, and

(b) to every registered political party which, although not represented in the Legislative Assembly, had at least ten official candidates at the immediate preceding general election.

S. 32(1) The annual allowance of each registered political party entitled thereto shall be an amount equal to that obtained by multiplying an adjusted amount based on the C.P.I. beginning with $1.30 for the base year 1981 by the total number of valid votes cast for the official candidates of that party at the immediately preceding general election.

Under Section 78 of the Act:

An election expense reimbursement shall be paid to the official agent of each candidate at any election declared elected under the Elections Act, and to the official agent of each candidate having obtained, according to the official or final addition of the votes cast at such election fifteen percent of the valid votes cast in the electoral district in which he was a candidate.

S. 78(2) The election expenses reimbursement to be paid to the official agent of a candidate entitled thereto shall be an amount equal to the lesser of:

(a) the amount of the election expenses of the candidate, and

(b) an amount equal to the sum obtained by allowing thirty-five cents for each of the electors in the electoral district and adding thereto the cost of mailing a single one ounce first class letter to each elector in the electoral district.

EXPENDITURE LIMITATIONS:

Provisions:

Political Party	- Election expenses maximum is determined by $1 x number of electors enumerated in districts where party fields candidates. In by-election party spending limited to maximum $7,000.
Candidate	- Election expenses $1.75 x number of electors in his/her district--maximum of $22,000, minimum of $11,000. In by-election candidate spending limited to $2.000 x number of electors in district.
Advertising Expenditures	- Registered political party $25,000 per year. Registered independent candidate $200 per year.

CONTRIBUTION LIMITATIONS:

Provisions:

Maximum Contribution is $9,000.

Only individuals, corporations and trade unions may contribute.

Membership dues of less than $25 per year do not constitute a contribution to a political party.

Prohibition Against:

1. Anonymous contributions.
2. Cash contributions in excess of $100.
3. Contributions in the name of another.

PENALTIES:

1. Exceeding limits, wilfully filing a false statement	- $10,000 fine, 3 months' imprisonment, election of candidate null and void.
2. A candidate whose official agent with knowledge of the candidate commits an above offence	- $ 1,000 fine, 3 months' imprisonment, election of candidate null and void.
3. Anyone who knowingly makes a false statement in any return or withholds or destroys information	- $ 5,000 fine, 3 months' imprisonment.
4. Individuals otherwise violating the Act	- $ 1,000 fine.
5. Corporations and unions otherwise violating the Act	- $10,000 fine.
6. Failure to file a return	- No reimbursement to party or candidate from public funds--$50 per day fine during period of default.
7. Violation by Elected Candidate	- Seat shall be vacated from the time of such conviction.

NEWFOUNDLAND

DATE: July 1988

ADDRESS:

Chief Electoral Officer
278 LeMarchant Road
ST. JOHN'S, Newfoundland
A1E 1P7

REFERENCE:

The Election Act,

R.S. Nfld., 1970
c.106, ss. 112-121.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Candidate X
Committee ___
Constituency Association ___
Party ___
Other ___

Forms: yes ___
Audit: yes ___

To:
CEO
Commission ___
Minister ___
Secretary of State X

Registration: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution						
2. Expenditure						

TIME OF FILING:

	Before	**After**
Primary		
General Election		4 months

Comments:

A detailed statement of all election expenses must be filed. All outstanding claims must be paid by candidate within three months after the election.

PUBLIC DISCLOSURE:

By:	Minister
How long are the records kept:	6 months
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name:	**Composition:**

Duties:
- Receive Reports ____
- Investigate ____
- Publicize Reports ____
- Refer Violations to AG ____
- Other ____

AUDITORS:

AGENCY:

Candidate's Agent: Official Agent		**Committee's Agent:**
Function: File Reports		**Function:**

FUNDING PROVISIONS:

Manner:
- Tax Deduction ____
- Tax Credit ____
- Tax Checkoff ____
- Reimbursement ____
- Other ____

Details:

EXPENDITURE LIMITATIONS:

Provisions:

Advertising Regulation:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

PENALTIES:

1. Failure to file	- fine of $10/day for each day of delay.
2. Filing a false statement	- $500 fine, 3 months imprisonment in default of payment.

NORTHWEST TERRITORIES

DATE: July 1988

ADDRESS:

Clerk of the Legislative Assembly
YELLOWKNIFE, N.W.T.
X1A 2L9

REFERENCE:

Elections Act,
S.N.W.T. 1986(2), c.2.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes X
	Committee			Audit:	yes ___
	Constituency Association	___			
	Party	___			
	Other	___			
To:	CEO	X		Registration:	yes ___
	Commission	___			
	Secretary of State	___			

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X		X	$100		
2. Expenditure			X	$ 25		

TIME OF FILING:

	Before	After
Primary		
General Election		60

Comments:

All expenditures over $25 to be vouched for by receipts.

PUBLIC DISCLOSURE:

By: Clerk of the Legislative Assembly

How long are the records kept: 6 months

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Returning Officer/CEO

Duties:	Receive Reports	X
	Investigate	
	Publicize Reports	X
	Refer Violations to AG	X
	Other: forms	

Composition:

AUDITORS:

AGENCY:

Candidate's Agent: Official Agent

Function:

1. File Reports
2. Authorize all Expenditures

Committee's Agent:

Function:

FUNDING PROVISIONS:

Manner:	Tax Deduction	X
	Tax Credit	
	Tax Checkoff	
	Reimbursement	
	Other	

Details:

Reimbursement:

(a) 100% of the aggregate if the aggregate does not exceed $100, or

(b) the lesser of:

(i) $100 plus 50% of the amount by which the aggregate exceeds $100, and

(ii) $500.

EXPENDITURE LIMITATIONS:

Provisions:

Candidate not to exceed $20,000 in campaign expenditures.

Advertising Regulation:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

(a) For any individual or corporation the contribution limit is $1,500.

(b) Candidate may contribute out of his/her own funds up to $20,000.

Prohibition Against:

(a) Anonymous contributions over $100.

(b) Contributions from out of province.

PENALTIES:

1. Failure to file	- illegal practice and contravention of the ordinance.
2. Knowingly filing a false report	- corrupt practice and contravention of the ordinance.
3. General violation of Act	- $1,000 fine or 1 year imprisonment or both.

NOVA SCOTIA

DATE: July 1988

ADDRESS:

Chief Electoral Officer
9th Floor, Joseph Howe Building
1690 Hollis Street
P.O. Box 1116
HALIFAX, Nova Scotia
B3J 2X1

REFERENCE:

Elections Act,

R.S.N.S. 1967, c.83 as amended by S.N.S. 1969, c.40; S.N.S. 1970, c.41; S.N.S. 1973, c.29; S.N.S. 1977, c.28; S.N.S. 1981, c.21; and S.N.S. 1987, c.19.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee ___
Constituency Association ___
Party X
Other ___

Forms: yes X
Audit: yes X

To: CEO X
Commission ___
Secretary of State ___

Registration: yes ___

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution						
2. Expenditure	X		X	$25	X	X

TIME OF FILING:

Candidate:

Within 60 days of return of writ of election:

- accompanied by invoices, etc.
- delivered to Returning Officer.
- summary published.
- district newspaper within 14 days.
- returning officer holds report for 1 month.
- publicly available, then forwards to C.E.O.

Party:

Within 120 days of return of writ of election:

- delivered to C.E.O.
- C.E.O. publishes summary in Gazette within 30 days.

PUBLIC DISCLOSURE:

See above re Time of Filing

By: Ultimately by C.E.O. after publications of summaries.

How Long Are the Records Kept:

. Candidate Records held by C.E.O. for at least 1 year.
. Party Records--6 months.

Method of Disclosure:

1. Publish summary in newspaper.
2. Public Inspection.
3. Summary of party reports in official Gazette.

CONTROL MECHANISM:

Name: Election Commission

Duties:

1. Consider reports of investigations by C.E.O. and determine whether prosecution warranted.
2. Advise C.E.O. re administration of elections.

Composition:

1. C.E.O.
2. Chairman appointed by Governor in Council.
3. Two persons appointed by each of the leaders of a recognized party (House of Assembly Act).

Note: The Commission has all rights, powers and authority of the Attorney General in regard to prosecutions under the Act. S.6B.

AUDITORS:

Every candidate and every recognized party must appoint an auditor. The auditor shall make a report to the official agent respecting election expenses and total contributions for which receipts were issued. The auditor is to have complete access to any necessary materials.

AGENCY:

Candidate: Official Agent

Function: 1. Authorize Expenditures
2. Submit Reports

Party: Official Agent

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	
Reimbursement	X
Other	

Details:

Reimbursement:

Candidates elected or receiving at least 15% of the vote are entitled to reimbursement of expenses not to exceed 25¢ per listed elector.

Reimbursements are indexed to the N.S. Consumer Price Index 1969 = base year.

Tax Deduction: The taxpayer may deduct from the amount of tax otherwise payable.

(a) 75% of the aggregate amount contributed in the aggregate amount contributed does not exceed $100;

(b) $75 plus 50% of the amount by which the aggregate amount contributed exceeds $100 but does not exceed $550; or

(c) the lesser of:

(i) $300 plus 33 1/3% of the amount by which the aggregate amount contributed exceeds $550; and

(ii) $500.

The Income Tax Act 1967 c.134 as amended--1981 Amendments regarding contributions SNS 1981 c.21.

EXPENDITURE LIMITATIONS:

Provisions:

1. General Election - Candidate:

- (a) $1/elector to first 5,000 electors,
- (b) 85¢/elector for number greater than 5,000 but less than 10,000, and
- (c) 75¢/elector for number above 10,000.

2. General Election - Party:

- (a) 40¢ X number of electors in districts where the party has one or more candidates.

The maximum allowable expenses are increased or decreased in accordance with the N.S. Consumer Price Index--calculation is done by C.E.O.'s office. 1969 = base year.

CONTRIBUTION LIMITATIONS:

Provisions:

. May be given to candidate or party.
. No limit on amount or on "type" of contributor.

Advertising Regulation:

1. Every advertisement to be properly identified.

PENALTIES:

1. Exceeding expenditure limitations, filing a false report, illegal payment of claim	- guilty of corrupt practice, prohibited from holding office for 5 years, subject to penalty for general violation.
2. General violation of Act	- $2,000 fine, 2 years imprisonment.
3. Failure to file	- disqualified from sitting until reports are filed, fine of $500/day for each day in which he sat or voted in the House.

ONTARIO

DATE: **July 1988**

ADDRESS:

Commission on Election Finances
8th Floor, Suite 800
151 Bloor Street West
TORONTO, Ontario
M5S 1S4

REFERENCE:

Election Finances Act,

S.O. 1986 c.33, as amended S.O. 1987 c.5.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Constituency Association X
Party X
Other ___

To: CEO
Commission X
Secretary of State ___

Forms: yes X
Audit: yes X
Registration: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$100		
2. Expenditure			X	All	X	X

TIME OF FILING:

	Before	**After**
Primary		
General Election		6 months

Comments:

CFO of every registered political party and constituency association must file an annual statement on or before the 31st of May.

PUBLIC DISCLOSURE:

By: Commission on Election Finances

How long are the records kept: 6 years

Manner of Disclosure:

. Publish summary in local newspaper
. Public inspection

CONTROL MECHANISM:

Name: Commission on Election Finances

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG X
Other: see s.4 of Act ___

Composition:

2 persons from each party holding 4 seats in the Assembly and which nominated candidates in at least 50% of the electoral districts in the last election, a bencher from the Law Society of Upper Canada, the Chief Election Officer and the Chairman.

AUDITORS:

Every candidate and constituency association must appoint an auditor. The auditor is required to report to the C.F.O. regarding all financial statements. The auditor should be granted access at all reasonable times to the necessary records.

The Commission on Election Finances subsidizes the cost of the auditor:

- for each constituency association, up to $400;
- for each candidate, up to $800; and
- for each leadership contestant, up to $600.

AGENCY:

Candidate's Agent: Chief Financial Officer

Function:

1. Receive contributions
2. Place contributions in proper depository
3. Authorize expenditures
4. Keep accounts and records
5. File Reports - financial statements
6. Issue receipts
7. Pay outstanding debts

Party/Association Agent: Chief Financial Officer

Function: Same

FUNDING PROVISIONS:

Manner:
Tax Deduction
Tax Credit X
Tax Checkoff
Reimbursement X
Other ___

Details:

Reimbursement:

(a) For Candidate; if candidate receives 15% of the popular vote then they're entitled to be reimbursed up to 20% of the maximum expenditure limitation. Candidates in the Northern Electoral Districts are entitled to an additional $5,000.

(b) For Registered Party; if the party receives 15% of the popular vote they are entitled to be reimbursed 5¢ for each elector entitled to vote.

(c) For Registered Constituency Association; reimbursement for the aggregate of $2 for the first 15,000 eligible voters, $1 for a number greater than 15,000 but less than 25,000 and 25¢ for the number of voters above 25,000.

(d) Subsidy also exists for auditor.

EXPENDITURE LIMITATIONS:

Provisions:

1. (a) For registered parties in a general election--40¢ X no. of electors entitled to vote under the Election Act, RSC 1984.

   (b) For registered parties in a by-election--40¢ X no. of electors entitled to vote in that electoral district under Election Act, RSC 1984.

2. Advertising period: 21 days before polling day to 1 day before polling day.

3. Rates charged must be the lowest for that category of advertising.

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals, corporations, unions:

   (a) Annually--$4,000 to each registered party; $750 to each registered constituency association not to exceed $3,000 in aggregate.

   (b) During Campaign, in addition to above --$4,000 to each registered party; $750 to each registered candidate not to exceed $3,000 in aggregate.

2. By Federal Political Parties:

   $100 for each registered provincial candidate endorsed by that party.

3. Advertising having a value in excess of $100 paid for by an individual, corporation, or trade union on behalf of a candidate with his or her knowledge and consent is considered a contribution.

4. Prohibition against:

   (a) Contributions in the name of another;
   (b) Cash contributions above $25;
   (c) Anonymous contributions; and
   (d) Contributions from non-residents.

5. Provisions of goods and services with a net value of less than $100 may be considered not to be a contribution.

6. Fund-raising functions--any charge levied up to $25 may be considered not to be a contribution.

7. Collections at meetings that are $10 or less may be considered not to be a contribution.

8. Annual membership fees, that are less than $25 do not need to be considered contributions.

9. Union payroll deductions of 15¢ per month are not to be considered contributions.

PENALTIES:

1. Exceeding contribution limits	- individuals - $ 1,000 fine; corporations - $10,000 fine; and unions - $10,000 fine.
2. Accepting excess contributions exceeding expenditure limitations	- individuals - $ 1,000 fine; and party - $ 2,000 fine.
3. Candidate's failure to file	- ineligible to sit or run for office until statement is filed. - if elected, may be required to vacate seat.
4. Campaign expenses exceeded	- reduction of subsidy on a dollar for dollar basis.
5. C.F.O. contraventions	- $1,000 fine.
6. No reimbursement until financial statement has been filed	

PRINCE EDWARD ISLAND

DATE: July 1988

ADDRESS:

Chief Electoral Officer
Department of Justice
P.O. Box 2,000
CHARLOTTETOWN, P.E.I.
C1A 7N8

REFERENCE:

Election Expenses Act,

R.S.P.E.I. 1974, E-1.1,
as amended 1983 c.12, 1985 c.14, 1986 c.11.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	
	Constituency Association	
	Party	X
	Other	

To:	CEO	X
	Commission	
	Secretary of State	
	Minister	

Forms:	yes	X
Audit:	yes	X
Registration:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$250	X	
2. Expenditure	X	X	X	$ 25	X	

TIME OF FILING:

Candidate:

Election expenses--within 120 days of return of writs of election.

Party:

Election expenses--within 120 days of return of writs of election.

Contributions of over $250 from a single source in any year to be recorded and reported to CEO by official agents of party or candidate.

PUBLIC DISCLOSURE:

By: C.E.O.

How long are the records kept: 6 months

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: CEO

Duties:

Receive Reports	X
Investigate	
Publicize Reports	X
Refer Violations to AG	
Other: prescribe forms and receipts	

Composition:

AUDITORS:

A Party must appoint an auditor whose duties include;

(a) reporting to the official agent regarding election expenses, and

(b) reporting to the official agent regarding total contributions for which receipts have been issued.

The auditor is to have access to needed information at all reasonable times.

AGENCY:

Candidate's Agent: Official Agent

Function:

1. File Reports
2. Authorize Expenditures
3. Submit Returns
4. Issue Receipts
5. Keep Records (Contributions)

Party/Association Agent: Official Agent

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	
Reimbursement	X
Other	

Details:

Reimbursement:

Candidate:

Minimum of 15% of vote required. Amount not exceeding 32¢ for each elector in district. Minimum payment--$750; Maximum payment--$1,500. Amount of 32¢ to be indexed to Consumer Price Index--32¢--1983 base year.

Parties:

Two or more seats in Legislature required. Annual allowance--amount obtained by multiplying number of votes obtained in last general election X sum determined by Lieutenant Governor (not exceeding $1.00).

* Must claim for election expenses within 30 days after polling day.

EXPENDITURE LIMITATIONS:

Provisions:

Party:

General Election: expenses not to exceed $4.25 X total number of electors in province.

Candidates:

General Election: expenses not to exceed $1.25 X number of electors in his or her electoral district, to a maximum of $12,000 (if number of electors is less than 3,000--maximum is $6,000).

Amounts of $4.25 and $1.25 to be adjusted in relation to Consumer Price Index (1983 base year).

CONTRIBUTION LIMITATIONS:

Provisions:

Over $ 25	- receipt to be given
Over $250	- single source within one year--contribution to be recorded and reported to CEO.

PENALTIES:

Official Agent:	- Files false return	
	- Exceeds maximum expenses allowed	- Corrupt practice.
Candidate/ Party Leader:	- Willfully incurs unauthorized expense	- Failure to comply with Act is punishable in same manner as failure to appear before the court.

QUEBEC

DATE: July 1988

ADDRESS:

Directeur General Des Elections
la Commission de la representation
electorale
3460 rue de la Perade
SAINTE-FOY, Quebec
G1X 3Y5

REFERENCE:

Election Act,

S.Q. 1984, c.51, as amended 1985
c.27 and 30.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee
Constituency Association X
Party X
Other ___

To: CEO X
Director
General of Elections ___
Secretary of State ___

Forms: yes X

Audit: yes X (only for parties)

Registration: yes X (except for official candidates of parties)

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		
2. Expenditure other than Electoral			X	$ 25		
3. Electoral Expenses			X	$ 50		

TIME OF FILING:

Annual Financial Reports for the Party and Constituency Associations:

- to be submitted no later than April 1st covering the previous calendar year.

Candidates' Reports:

- within 90 days of polling day.

Independent Candidates:

- a final report submitted by April 1st of year following final period in which contributions solicited after polling day.

PUBLIC DISCLOSURE:

By:	Chief Electoral Officer
How long are the records kept:	2 years minimum
Manner of Disclosure:	. Public Inspection . Publication of Summaries

CONTROL MECHANISM:

Name: Chief Electoral Officer

Duties:
- . Authorize parties, associations and candidates
- . Annual Report to National Assembly
- . Receive Report
- . Investigate
- . Publicize Reports
- . Issue Guidelines & Forms
- . Institute proceedings regarding contraventions of the Act
- . May refuse to make or continue an inquiry when he considers that an application for an inquiry is frivolous, vexatious or unnecessary

Composition of Advisory Board:

C.E.O. as Chairman plus 3 representatives from each authorized political party represented in the National Assembly.

AUDITORS:

Each party shall appoint an auditor who will examine the financial report of the party and issue a certificate that states that the party has complied in full with the Act. The auditor is to be allowed complete access to all necessary materials.

The Chief Electoral Officer shall reimburse parties for one-half of an auditor's bill up to $4,000.

AGENCY:

Candidate's Agent: Official Representative

Function:
1. Authorize Expenditures
2. Receive Contributions
3. Submit Returns
4. Issue Receipts
5. Keep Records

Party's Agent: Official Representative

Function:
1. Authorize Expenditures
2. Receive Contributions
3. Issue Receipts
4. Keep Records
5. Submit Returns
6. Contract Loans

Constituency Association Agent: Official Representative

Function: Same as Party's Agent

FUNDING PROVISIONS:

Manner:	Tax Deduction	
	Tax Credit	X
	Tax Checkoff	
	Reimbursement	X
	Other: * public funding	X

* Allowance for each authorized political party represented in the National Assembly.

Reimbursement:

To candidates receiving at least 20% of the vote:

The chief electoral officer shall reimburse an amount equal to 50% of the election expenses incurred and paid in conformity with this Act.

Details:

Tax Credit:

Section 776: The Taxation Act
RSQ 1977, CI-3

The taxpayer can deduct from tax otherwise payable 50% of first $280 for a maximum deduction of $140.

Public Funding:

A sum equal to 25¢ X number of electors on the electoral list will be divided between the parties in proportion to the percentage of the valid votes obtained by them at the last general election. The allowance shall be paid at a rate of one-twelfth per month.

EXPENDITURE LIMITATIONS:

Provisions:

1. Election expenses must be limited so as never to exceed for a party, during general elections, 25¢ per elector in the aggregate of the electoral divisions in which such party has official candidates.
2. The election expenses for each candidate must be limited so as never to exceed $0.80 per elector during a general election or $1.05 during a by-election.
3. For each candidate in the electoral divisions of Duplessis, Rouyn-Noranda-Temiscamingue, Saguenay and Ungava the maximum is increased by 20¢ per elector, and in the electoral division of Iles-de-la-Madeleine the maximum is increased by 55¢ per elector.
4. The official agent of an authorized party must not incur election expenses during by-elections.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Electors: $3,000/year out of his own property.

   Only electors may make contributions.*

   * Exception: News media may make air time or space freely available to parties on an equitable basis.

2. Prohibition against:
   (i) anonymous contributions over $100, and
   (ii) cash contributions over $100.

PENALTIES:

1. Violating contribution regulation provisions	- fine of not less than $1,000 nor more than $25,000.
2. Exceeding expenditure limitations, filing a false return or producing a false invoice	- corrupt practice - $100 to $10,000 fine, 1 month to 1 year imprisonment.
3. Failure to file	- disqualified from sitting in the National Assembly, $500 fine + $50 a day for every day of delay.
4. Other violations of the Act	- $100 - $1,000, 6 months imprisonment.

SASKATCHEWAN

DATE: **July 1988**

ADDRESS:

Chief Electoral Officer
Suite 301
S.S.T.A. Building
2222 - 13th Avenue
REGINA, Saskatchewan
S4P 3M7

REFERENCE:

The Election Act,

R.S.S. 1978 c.E-6, as amended.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	X
	Commission	
	Secretary of State	

Forms: yes X sworn

Audit: yes X

Registration: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		Occupation
2. Expenditure	X	X	X	$ 25		X

TIME OF FILING:

	Before	After
Primary		
General Election		*

* Reports must be filed within 3 months for candidates, and six months for parties. Reports from broadcasters and publishers to be filed within 2 months.

Parties must file annual return within 4 months of end of fiscal year. Parties must register prior to receipt of contributions or making of expenditures.

Comments:

1. Total contributions received to be specified and broken down by class of donors.
2. Total proceeds from ticket sales, collections, rallies and other fund-raising functions to be included in return.
3. All expenditures over $25 to be supported by a voucher or proof of payment.
4. Broadcasters and publishers to file reports detailing name and address of advertiser and the amount charged.

PUBLIC DISCLOSURE:

By:	C.E.O.
How long are the records kept:	1 year
Manner of Disclosure:	. Publish summary in newspaper, gazette . Public Inspection . CEO report to legislature

CONTROL MECHANISM:

Name: C.E.O.

Duties:	Receive Reports	X
	Investigate	X
	Publicize Reports	X
	Refer Violations to AG	
	Other: registered parties	X

AUDITORS:

Every registered party must appoint an auditor whose function it is to report to the chief official agent of the party on each return of receipts and expenses for the party for a fiscal year.

Each candidate must also appoint an auditor to report on the Return of Election Expenses.

An auditor subsidy is provided and is the lesser of:

(a) $487.05, or
(b) the auditor's account.

AGENCY:

Candidate's Agent: Business Manager

Function:

1. Incur and Authorize Expenditures
2. Receive Contributions
3. Maintain Records
4. File Reports

Party's Agent: Chief Official Agent

Function: Same

FUNDING PROVISIONS:

Manner:	Tax Deduction	
	Tax Credit	
	Tax Checkoff	
	Reimbursement	X
	Other	

Details:

Reimbursement:

1. Parties endorsing candidates who received in the aggregate at least 15% of the vote are entitled to the lesser of:
   (a) the (C.P.I.) adjusted amount of $146,303.42, or
   (b) 1/3 of expenses incurred by the parties (within the expenditure limits).
2. Candidates receiving at least 15% of the vote are entitled to 50% of the candidates expenses (within expenditure limits).
3. Registered Political Party Expenditures during a non-election year on media is not to exceed $146,303.42.

EXPENDITURE LIMITATIONS:

Provisions:

1. By a party in a general election: expenses not to exceed an adjusted amount indexed in relation to the Consumer Price Index (C.P.I.) starting from a 1981 base figure of $327,425 ($487,675.58 for 1987).
2. By candidates south of the dividing line: greater of following amounts adjusted in relation to C.P.I. starting from a 1981 base figure of $19,646 or $1.31 per elector ($29,261.27 or $1.94 per elector, for 1987).
3. By candidates north of the dividing line --a C.P.I. adjustment of the base 1981 figure of $26,194 or $2.62 per elector ($39,014.05 or $3.90 per elector, for 1987).
4. Total expenses for advertising incurred by a registered party and by a constituency association with funds provided by the party are not to exceed an adjusted amount (C.P.I.) starting from 1981 base figure of $98,228 per year.
5. Allowable expenditures specified.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Prohibition against:
   (a) Anonymous contributions exceeding $100.
   (b) Contributions out of someone else's money unless an agent is used and the name of the principal is disclosed.
   (c) Contributions from a person outside Canada.

PENALTIES:

1. Contravention of the Act	- $1,000 fine, not more than 1 year imprisonment.
2. Contravention of the Act by a registered agent of a registered party	- $5,000 fine.
3. Corrupt practice (knowingly or consented to)	- if elected--result is void and candidate unable to hold office for 8 years.
4. Contravention of s. 203, 207, 208, 210, 211, 212, 214, 215, 218, 219, 220, 230, or 231	- $5,000 fine, 6 months imprisonment.

YUKON

DATE: July 1988

At the time of the 1988 survey, Yukon finance legislation was under reform.

ADDRESS:

Chief Electoral Officer
Legislative Assembly
Box 2703
WHITEHORSE, Yukon
Y1A 2C6

REFERENCE:

Elections Act,

R.S.Y. 1986. Political Contribution Income Tax Credit Regulations, Income Tax Act R.S.Y. 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes ___
	Constituency Association	___		Audit:	yes ___
	Party	___			
	Other	___			
To:	CEO	X		Registration:	yes ___
	Commission	___			
	Secretary of State	___			

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$250		
2. Expenditure						

TIME OF FILING:

	Before	After
Primary		
General Election		60 days

Comments:

A report is to be made at least every 16 months by the C.E.O. of contributions to a registered political party on or before the last day of February in each year.

PUBLIC DISCLOSURE:

By:	C.E.O.
How long are the records kept:	6 years
Manner of Disclosure:	1. Open to public inspection during normal business hours. 2. Tabled by the Speaker of the Legislative Assembly.

CONTROL MECHANISM:

Name: Chief Electoral Officer

Duties:

Receive Reports	X
Investigate	
Publicize Reports	X
Refer Violations to AG	
Other	

AUDITORS:

AGENCY:

Candidate's Agent: Official Agent

Function:
1. Authorize All Expenditures
2. Issue Receipts
3. Prepare Returns

Political Party's Agent: Official Agent

Function:
1. Issue Receipts
2. Prepare Returns

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	X
Tax Checkoff	
Reimbursement	X
Other	

Details:

Credit:

(a) 75% of aggregate if less than $100

(b) $75 + 50% of amount which aggregate exceeds $100 up to $550; or

(c) the smaller of:

  (i) $300 + 33 1/3% of the amount in excess of $550, and

  (ii) $500.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising Regulation:

1. All advertisements must be properly identified (Elections Act R.S.Y. 1986).

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES:

UNITED STATES

DATE: July 1988

ADDRESS:

Federal Election Commission
1325 K Street, N.W.
WASHINGTON, D.C., 20463, U.S.A.

REFERENCE:

Federal Election Campaign Act of 1971,

Titles 2 and 26, United States Code Annotated, as amended by P.L. 93-443 (1974), P.L. 94-283 (1976), P.L. 95-216 (1977) and P.L. 96-187 (1979).

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO
Commission X
Secretary of State ___

Forms: yes X

Audit: yes X

PAC
Regulation: yes X
Registration: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$200	X	X
2. Expenditure	X		X	$200	X	X

TIME OF FILING:

	Before	**After**
Primary	12	30
General Election	12	30

Comments:

1. **Candidate Committee Senate/House**

Election Year -
1. pre-election report
2. post election report
3. quarterly reports -

(filed no later than the 15th day, last quarter-except January report which may be filed January 31st.)

Non-election Years: bi-annual reports.

2. **Presidential Campaign Committee**

Election Year: monthly reports begin as soon as committee receives or expends $100,000.

Non-Election Year: either monthly or quarterly reports.

3. **Other Political Committees**

May file either:

1. monthly reports in all calendar years, or
2. bi-annual reports in non-election years and quarterly reports in election years with pre and post election reports.
   - organizations such as trade unions and corporations must report partisan communications made to their members at a cost of over $2,000.
   - individuals must report independent election expenditures over $250.

201 UNITED STATES

PUBLIC DISCLOSURE:

By:	Commission
How long are the records kept:	10 years 5 years for House of Representatives
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Federal Election Commission

Duties:		
	Receive Reports	X
	Investigate	X
	Publicize Reports	___
	Refer Violations to AG	X
	Other: Prescribe rules, forms	___

Composition:

Secretary of the Senate, Clerk of the House of Representatives, plus six members appointed by the President with the advice and consent of the Senate (no more than three members from the same party).

The Commission has exclusive jurisdiction regarding civil enforcement of the Act.

AUDITORS:

The Commission must audit all public funding recipients to ensure that Federal funds are spent in compliance with the law.

AGENCY:

Candidate's Agent: Principal Campaign Committee

Function:

Committee's Agent: Chairman, Treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

FUNDING PROVISIONS:

Manner:		
	Tax Deduction	___
	Tax Credit	X
	Tax Checkoff	X
	Reimbursement	___
	Other	___

Details:

1. **Tax Credit:** $50, $100 for joint return.
2. **Tax Checkoff:** $1 to be paid over to Presidential Election Campaign Fund.

See also addendum.

EXPENDITURE LIMITATIONS:

Provisions:

1. **Presidential Candidates** (receiving funding):
   - (a) $10,000,000/primary, no more than greater of 16 cents X voting population of the State of $200,000 in any one State.
   - (b) $20,000,000/general election. Above amounts adjusted based on changes in the price index (100 = 1974).
2. **National Committee:**

   2 cents X voting population of U.S., for any presidential candidate.
3. **National Committee:**
   - (a) greater of 2 cents X voting population of state of $20,000 for U.S. Senator.
   - (b) $10,000 for U.S. Representative.
4. Advertising regulations - see addendum.
5. An "independent expenditure" is one made for a communication which expressly advocates the election or defeat of a clearly identified candidate and which is not made with any direct or indirect cooperation, consent, request or suggestion or consultation involving a candidate or his/her authorized committee or agent. There is no limit on the amount or frequency of independent expenditures.

CONTRIBUTION LIMITATIONS:

Provisions:

1. **By individuals to:**
   - (a) any candidate or authorized committee - $1,000/election.
   - (b) political committees established and maintained by a national political party and not a candidate committee - $20,000/year.
   - (c) any other political committee- $5,000/year.
2. **By multi-candidate political committees to:**
   - (a) any candidate or authorized committee - $5,000/election.
   - (b) political committees established and maintained by a national political party - $15,000/year.
   - (c) any other political committee- $5,000/year.
3. Total individual contribution not to exceed $25,000/year.
4. Limitations do not apply to transfers from political committees of the same party.
5. **Prohibition against:**
   - (a) corporate and union contributions.
   - (b) contributions from foreign nationals.
   - (c) contributions in the name of another.
   - (d) cash contributions exceeding $100.
   - (e) government contractors.
   - (f) anonymous contributions exceeding $50.

PENALTIES:

1. Knowing and wilful violation of contribution or expenditure provisions where the amount in question is $2,000 or more	- fine of greater of $25,000 or 300% of amount in violation; 1 year imprisonment.
2. Making contributions in the name of another or cash contributions greater than $100	- same penalty as above, but only if amount in violation is $250 or more.
3. Three year limitation period.	

UNITED STATES

ADDENDUM

REFERENCE

United States Code, Annotated, Title 11 - The Code of Federal Regulations, revised as of January 1986.

PROVISIONS

I. Presidential Nominating Conventions:

A. Source of Funds:

Funds are appropriated to the Presidential Election Campaign Fund (PECF) in an amount equal to that designated by taxpayers using the income tax checkoff.

B. Eligibility:

The national committee of each major and minor political party which has filed a registration statement with the Commission, for which the Commission has verified such statement and certified to the Secretary of the Treasury, is eligible for funding.

C. Entitlement:

Major Party - up to $4 million, indexed to cost-of-living index (100 = 1974).

Minor Party - portion of above amount based on a ratio of votes received by the minor party candidate to the average number received by the major party candidates.

Expenditures for conventions are limited to the amount of the party entitlement.

D. Adjustments:

Overpayment, excess expenditures, surplus contributions, and payments improperly used must be paid back to the Secretary of the Treasury. Repayments, however, are not to exceed the amount received from the Fund. Anyone receiving kickbacks or illegal payments concerning campaign expenses must pay 125% of the amount over to the Secretary.

E. Audit:

The Commission shall conduct an examination and audit of the Convention Committee no later than December 31st of the calendar year of the convention and may at any time conduct other examinations and audits as it deems necessary. The Commission shall also conduct an examination and audit of each registered host committee.

II. Presidential Primaries:

A. Source of Funds:

The Presidential Primary Matching Payment Account is established within the PECF.

B. Eligibility:

Presidential candidates must agree to certain record keeping and auditing requirements, expenditure and contribution limitations, and must have received contributions totalling at least $5,000 from each of 20 States, with no single contribution exceeding $250 from one person.

C. Entitlement:

Eligible candidates will receive matching payments for each contribution of up to $250 received during the presidential election and the preceding years, the total not to exceed 50% of the candidate's expenditure limitations.

D. Adjustments:

Overpayment and payments improperly used must be repaid to the Secretary of the Treasury. Amounts received from the Fund may be kept 6 months to extinguish obligations. Surplus funds after obligations eliminated to be repaid in the same ratio as payments from the Fund to total of all deposits made to the candidate's account. Persons receiving kickbacks or illegal payments concerning campaign expenses shall pay over 125% of the amount to the Secretary.

E. Audit:

The Commission will conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committee(s) who received presidential primary matching funds.

III. Presidential General Elections:

A. Source of Funds:

Funds appropriated to the PECF.

B. Eligibility:

Candidates must agree in writing to certain record keeping, disclosure, and auditing procedures to adhere to the expenditure limitations, and to restrict private contributions to the difference between expenditure limit and the amount received from the Fund.

C. Entitlement:

(a) Major party candidates - a sum equal to the candidate's expenditure limitation ($20 million indexed to cost-of-living index).

(b) Minor party candidates - an amount bearing the same ratio to the major party entitlement as the number of votes received in the last presidential election by the minor party candidate to the average of votes received by the major party candidates in that election.

(c) Other candidates, not of a major party, who were candidates themselves in the preceding presidential election and received between 5% and 25% of the vote are entitled to receive funds on the same basis as minor party candidates, for the candidate and his/her vice-presidential running mate.

(d) Minor or new party candidates who receive at least 5% of the votes cast are entitled, after the election, to payments in an amount bearing the same ratio to the major party candidate's entitlement as the number of votes received by the candidate to the average of votes received by the major party candidates.

D. Adjustments:

See provision for presidential nominating conventions.

E. Advertising Regulation:

1. All political advertisements must be properly identified.
2. Broadcast media rates are regulated to prevent excessive rates.
3. Excessive rates for newspaper or magazine advertising are prohibited.

F. Audit

After each Presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

ALABAMA

DATE: July 1988

ADDRESS:

Secretary of State
Alabama State House
MONTGOMERY, Alabama
36130, U.S.A.

REFERENCE:

Code of Alabama, Election Law,

Supplement (1979) Title 17 Elections, c.22 - Corrupt Practices.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate *
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO ___
Commission ___
Secretary of State X

Forms: yes X
Audit: yes X

PAC Regulation: yes X

* Candidate must file affidavit supporting committee's statement.

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X		X	$10		
2. Expenditure	X		X	$ 5		X

TIME OF FILING:

	Before	After
Primary		15 days
General Election		30 days

Comments:

Every political committee, including PACs must file.

Federal government requires all PACs to file reports detailing contributions four times annually during presidential election year and twice annually during off years.

PUBLIC DISCLOSURE:

By: Secretary of State

How long are the records kept: 2 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:
Receive Reports _X_
Investigate ___
Publicize Reports ___
Refer Violations to AG ___
Other ___

Composition:

AUDITORS:

All auditing requirements are to be carried out by the Campaign Finance Committee.

AGENCY:

Candidate's Agent: One to five persons

* Campaign Finance Committee

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Audit
4. Disburse All Monies

* Candidate may appoint self as finance committee.

Committee's Agent: Treasurer

Function:
1. Keep Accounts and Records
2. File Reports

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

A. Campaign expenditures may be made for the following purposes only:

1. Candidate's travelling expenses while campaigning,
2. Fee for qualifying,
3. Stenographic work,
4. Clerks at campaign headquarters to address, prepare and mail campaign literature,
5. Telegrams, telephone, postage, freight and stationery,
6. List of voters,
7. Office rent,
8. Newspaper and radio advertising,
9. Preparation, printing and publication of posters, lithographs, banners, notices and literary material, reading matter, cards and pamphlets,
10. Compensation of agents to supervise and to prepare and distribute such articles and advertisements,
11. Renting of halls to address voters,
12. Hiring of bands or musicians, and
13. Reasonable travelling expenses of agents, clerks and speakers.

Any expenditure which does not fall within one of these 13 categories is declared to be a corrupt practice.*

* An obvious omission is television, but is assumed that this legislative omission would be allowed under the First Amendment of the U.S. Constitution.

B. Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Individuals, political parties, labour unions, PACs, other political committees may contribute unlimited amounts to individual campaigns.
2. Any corporation other than a public utility may contribute up to $500 to any one candidate, political party, or committee.
   - no limit on the number of $500 contributions a corporation may make in a single election.

PENALTIES:

1. Violations of the Act	- corrupt practice misdemeanour, $500 fine 6 months imprisonment.
2. Failure to file report	- candidate's certificate of election or nomination withheld - plus general penalty for violation of Act.

ALASKA	**DATE:** July 1988
ADDRESS:	Alaska Public Offices Commission 2221 E. Northern Lights Blvd. ANCHORAGE, Alaska 99508, U.S.A.
REFERENCE:	**Alaska Statutes, 15.13,** Campaign Disclosure Law.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes X
	Committee	___	Audit:	yes X
	Constituency Association	___		
	Party	___		
	Other	___		
	Groups	X		
To:	CEO	___	PAC Regulation:	yes X
	Commission	X		
	Secretary of State	___		

Forms must be certified.

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$100/$250	X	occupation
2. Expenditure				All	X	

TIME OF FILING:

	Before	**After**
Primary	30,7	10
General Election	30,7	10

December 31st of each year.

Comments:

Contributions of over $250 received within 1 week of election must be reported within 24 hours.

PACs file same type of reports as required of candidates.

Ongoing organizations file same type of reports as required of individuals and businesses, which includes a Statement of Contributions due 10 days after a contribution of money, goods or services with a value of over $250 is made.

PUBLIC DISCLOSURE:

By: Commission

How long are the records kept:

Manner of Disclosure:
Publish Summary
Annual Report to Assembly
Open to Public Inspection

CONTROL MECHANISM:

Name: Alaska Public Offices Commission

Duties:	
Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other: complaints procedure	

Composition:

Five members

Four bi-partisan members appointed by the Governor; they appoint a fifth.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer

Function:
1. File Reports
2. Receive Contributions
3. Authorize Expenditures
4. Keep Records

Group's Agent: Campaign Treasurer (required)

FUNDING PROVISIONS:

Manner:	
Tax Deduction	X
Tax Credit	X
Tax Checkoff	X
Reimbursement	X
Other	

Details:

Credit up to $100

EXPENDITURE LIMITATIONS:

Provisions:

The total amount of expenditures made by a candidate and by all groups operating under his/her control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, if the candidacy is for governor or lieutenant-governor, of which amount no more than 50 percent may be spent in a primary election campaign and no more than 50 per cent in the general election campaign; (2) $1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the senate district if the candidacy is for the state senate; (3) $1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the house district if the candidacy is for the state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

Each general election year the Commission shall adjust the campaign expenditure limitations for each category of this section to reflect cost-of-living changes as determined and published by the Bureau of Labour Statistics of the United States Department of Labour.

CONTRIBUTION LIMITATIONS:

Provisions:

- $1,000/year limit on contributions to a candidate for persons, trade unions, corporations, political committees.
- No limit on candidate's personal contributions and political parties.
- All advertisements must be properly identified.

Prohibition Against:

- Contributions above $100 being in cash;
- Contributions made in the name of another;
- Anonymous contributions; and
- Out-of-country contributions.

PENALTIES:

Violations*

- $5,000 fine, one year imprisonment.

* Four-year limitation period.

ARIZONA

DATE: **July 1988**

ADDRESS:

Secretary of State
State Capitol
PHOENIX, Arizona
85007, U.S.A.

REFERENCE:

Arizona Revised Statutes (1986 Sp. Pamph.),

Title 16 Elections and Electors, c.6--Campaign Contributions and Expenses, Article I.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Party	___
	Other	___
To:	CEO	___
	Commission	___
	Secretary of State	X

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

Forms must be sworn.

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X		$25		
2. Expenditure				All*		

* by committee, only above $25

TIME OF FILING:

	Before	**After**
Primary	10 days	20 days
General Election	10 days	30 days

Comments:

Every political committee, including PACs must file.

- Any association combined for the purpose of influencing the result of an election constitutes a campaign committee with recording/reporting requirements.
- Any surplus or deficit remaining from a previous campaign shall be reflected in the beginning balance of the statement filed prior to the election.
- Follow-up statements, by subsequent April 1st, must be filed by candidates or committees which receive contributions or make expenditures subsequent to the closing dates for post election reports.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	15 months
Manner of Disclosure:	Public Disclosure

CONTROL MECHANISM:

Name: Ethics Commission

Duties:
- Receive Reports
- Investigate X
- Publicize Reports
- Refer Violations to AG X
- Other ___

Composition:

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Committee

Function:
1. Must be submitted with nomination petition.
2. Keep account of money.

Committee's Agent: Chairman, Treasurer

Function:
1. Treasurer to keep detailed account of receipts and disbursements.
2. Chairman or Treasurer to sign reports.

FUNDING PROVISIONS:

Manner:
- Tax Deduction X
- Tax Credit ___
- Tax Checkoff ___
- Reimbursement ___
- Other ___

Details:

$100 deduction

EXPENDITURE LIMITATIONS:

Provisions:

All expenditures (other than candidates personal expenses) over $10--evidenced by a receipt preserved for 15 months after election.

CONTRIBUTION LIMITATIONS:

Provisions:

Contributions by corporations and trade unions prohibited.

PENALTIES:

Knowingly failing to file or filing a false report	- petty offence/misdemeanour. - nominated candidate--certificate of nomination withheld until complete filing. - if elected--may not hold office until complete filing.

ARKANSAS **DATE:** July 1988

ADDRESS:

Secretary of State
109 State Capitol
LITTLE ROCK, Arkansas
72201, U.S.A.

REFERENCE:

Arkansas Statutes Ann.,

Section 3-1109 to 3-1118 as amended by Act 788 of 1975, Act 312 of 1977, Act 690 of 1981, Act 896 of 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee
Constituency Association ___
Party ___
Other ___

To: CEO ___
Commission
Secretary of State and County Clerk X

Forms: yes X must be sworn
Audit: yes ___
PAC Regulation: yes ___

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	*		and/or place of business
2. Expenditure	X	X	X	$100		X

* $250 statewide

$100 school district township, municipal or county

TIME OF FILING:

	Before	After
Primary	25,7	30
General Election	25,7	30

Comments:

Unopposed Candidate - files only one report within 30 days after election.

Opposed Candidate - who has not received contributions in excess of $500 by due date of pre-election report, need not file until contributions over $500 received.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Ethics Commission

Duties:
Receive Reports ___
Investigate ___
Publicize Reports ___
Refer Violations to AG ___
Other: personal financial disclosure by officials ___

Details:

Responsibility of enforcing the law is delegated to the Prosecuting Attorneys of the district in which the candidate resides.

AUDITORS:

AGENCY:

Candidate's Agent: Self or representative

Function: Keep accurate records of all contributions and expenditures.

Group's Agent:

FUNDING PROVISIONS:

Manner:
Tax Deduction X
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

$25 deduction

EXPENDITURE LIMITATIONS:

Provisions:

Prohibition against expenditures above $50 being made in cash.

CONTRIBUTION LIMITATIONS:

Provisions:

$1,500/election limit for:

- Individuals
- Corporations
- Trade Unions
- Associations
- Political Parties

- With the exception that state political party may contribute up to $2,500 to its respective candidates' campaigns.
- No limits on candidate's personal funds.

Prohibition Against:

1. Contributions above $100 being in cash;
2. Anonymous contributions above $50; and
3. Contributions made in the name of another.

PENALTIES:

Failure to comply with the Act - $1,000 and/or 1 year imprisonment.

CALIFORNIA		**DATE:**	**July 1988**

ADDRESS:

Secretary of State
1230 J Street, Room 219
SACRAMENTO, California
95814, U.S.A.

REFERENCE:

Political Reform Act of 1974 as amended,

to January 1st, 1988. Government Code Title 9 Sections 81000 - 91015.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes X
	Committee	X		Audit:	yes X
	Constituency Association	___			
	Party	___			
	Other	___			
To:	CEO			PAC Regulation:	yes X
	Commission	___			
	Secretary of State	X			

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$100	X	and occupation
2. Expenditure	X	X	X	$100	X	X

TIME OF FILING:

	Before	**After**
Primary	40, 12	65
General Election	40, 12	65

If election is held within 60 days of the primary, filing deadlines - 40, 12 days before primary, 12 days before general, 65 days after general.

Comments:

1. Every candidate and recipient committee must file semi-annual reports regardless of the amount of activity.
2. Statements of organization by committees 10 days after their formation.
3. If a primarily non-political committee makes an independent expenditure of over $500 in calendar year - shall file independent expenditure report.
4. Late contribution/independent expenditure reports must be filed by office holders, candidates and committees involved in an election who make or receive a contribution of $1,000 or more after the closing date of the last pre election period. Reports must be made within 24 hours.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	Indefinitely - statements of organization, campaign statements of office holders, candidates and committees. Seven years - all others.
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Fair Political Practices Commission

Duties:
- Receive Reports ☐
- Investigate ☒
- Publicize Reports ☐
- Refer Violations to AG ☒
- Other: ☐
  - prescribe forms, prepare manuals, provide assistance, levy fines up to $2,000.
  - issue opinions regarding the operation of the Act.
  - maintain central file state election ordinances.

Composition:

1. Five members, including Chairman.
2. Governor appoints Chairman and one additional member. Secretary of State, Attorney General, and Controller, each appoint one member. No more than 3 members from the same political party.
3. Four-year terms.

AUDITORS:

Audits are conducted by the Franchise Tax Board with respect to reports and statements filed with the Secretary of State. Each candidate for the legislature shall be subject to audit by random selection if it is determined that $15,000 or more has been received in contributions and $15,000 or more has been made in expenditures. As well, the Commission may conduct audits where deemed necessary.

AGENCY:

Committee's Agent: Treasurer (required)

Function:
1. Authorize Expenditures
2. Receive Contributions
3. Keep Records
4. File Reports

FUNDING PROVISIONS:

Manner:
- Tax Deduction ☐
- Tax Credit ☐
- Tax Checkoff ☐
- Reimbursement ☐
- Other: Through general fund of the state. ☒

Details:

Subject to gubernatorial approval.

EXPENDITURE LIMITATIONS:

Provisions:

1. General limitations on expenditures repealed following Buckley v Valeo.
2. No expenditure of $100 or more shall be in cash.
3. Clear identification by the sender of a mass mailing required.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Contributions above $100 being in cash.
2. Contributions in the name of another.
3. Anonymous contributions above $100.

PENALTIES:

1. Knowing or wilful violation - misdemeanour.
2. In addition to other penalties provided by law, $10,000 fine or three times the illegal amount, whichever is greater.
2. Four-year limitation period.

COLORADO

DATE: July 1988

ADDRESS:

Department of State Elections
1560 Broadway, Suite 200
DENVER, Colorado
80202, U.S.A.

REFERENCE:

Campaign Reform Act,

C.R.S. 1973 as amended to July 1987
Title 1, Article 45.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	X
	Party	X
	Other	X
To:	CEO	___
	Commission	
	Secretary of State	X

Forms: yes X

Audit: yes X

Registration: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$25, $100*	X	
2. Expenditure	X	X	X	$25	X	X

* $25 contribution, $100 in kind contribution.

TIME OF FILING:

	Before	After
Primary	11 days	30 days
General Election	11 days	30 days

Comments:

1. Supplemental campaign statements to be filed annually if ongoing balances or deficits exist.
2. Political committee must file statement of organization within 15 days of opening a bank account.
3. Treasurer of committee shall report within 48 hours any contribution over $500 received within the 16 days preceding the election.
4. Any person who makes an independent expenditure exceeding $100 must file a statement of expenditure eleven days before an election and thirty days after.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	One year, or term of office of elected official.
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Duty	
Receive Reports	X
Investigate (audits)	X
Publicize Reports	___
Refer Violations to AG	X
Other: prescribe forms offer assistance conduct hearings on reported violations of the Act.	___

Composition:

Note:

1. Electors may file written complaints.
2. The District Attorney or Attorney General must prosecute.
3. Personal financial disclosures by candidates, within 10 days of filing candidate affidavit.

AUDITORS:

All reports are checked mathematically and if a problem exists, bank and committee records are requested for audit.

AGENCY:

Candidate's Agent: Campaign Treasurer

Function: File Reports

Committee's Agent: Campaign Treasurer

Function: File Reports

FUNDING PROVISIONS:

Manner:

Manner	
Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

1. Expenditures above $100 must be made by cheque.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

1. Contributions over $100 may not be in cash.
2. No agency, department or any political subdivision of the State shall contribute to campaigns regarding the election of a person to public office.

Advertising:

1. Rates charged may not exceed usual commercial rates.
2. Advertisements must be clearly identified as to sponsor and contact person.

PENALTIES:

Violation of Act	- misdemeanour. - candidate in violation loses right to assume nomination or office.
Delay in filing	- $10/day.

CONNECTICUT **DATE:** July 1988

ADDRESS:

Secretary of State
State Capitol
HARTFORD, Connecticut
06115, U.S.A.

REFERENCE:

Connecticut General Statutes, Annotated (1975),

Title 9 - Elections, c.150 - Corrupt Practices, S.9-333 to 9-346b as amended to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO
Commission ___
Secretary of State X

Forms: yes X sworn
Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$30		X
2. Expenditure	X	X	X	all		X

TIME OF FILING:

	Before	After
Primary	7	30*
General Election	7	45

* candidate only

Also, second Thursday of January, April, July, October--surplus of candidate or non-ongoing committee must be distributed within 90 days after election and final report made.

Deficit--supplementary report 90 days after election required and thereafter report on the 7th day of each month following, if on the last day of the previous month, there was an increase or decrease in the deficit in excess of $500.

Comments:

Any individual may, independent of any other person, make unlimited expenditures for the benefit of any candidate's campaign for election or nomination, provided any individual who makes an expenditure or expenditures in excess of $500 for the purpose of a single primary of election to aid or promote the success or defeat of any party or any one or more candidates for public office shall file all designations and sworn financial statements required to be filed by a political committee.

A statement of organization is required within 10 days of the organization of a political committee.

Candidates or committees raising of spending less than $500 are exempt from itemized reporting requirements.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: State Elections Commission

Duties:
Receive Reports
Investigate X
Publicize Reports
Refer Violations to AG X
Other: - adopt rules and regulations
- give advisory opinions

Composition:

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Principal Campaign Treasurer*

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Accounts and Records
4. File Reports

Committee's Agent: Campaign Treasurer

Functions: Same

* The formation of a candidate committee by a candidate for a particular public office, shall not be required in the case where all of the following conditions exist:

1. Such candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election of primary.
2. No contributions are accepted by such party committee specifically designated for use on behalf of such candidate.
3. Expenditures made on behalf of each such candidate's campaign do not exceed five hundred dollars and are reported by the committee sponsoring his candidacy.

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

1. All expenditures must be made by cheque, but a petty cash fund under $100 may be established.

   * Exception allowed also for payment of out-of-pocket expense of campaign workers by treasurer.

2. All expenditures must be authorized in writing by the campaign treasurer of principal campaign treasurer.

3. All advertising to be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individual to candidates for:

(a) Governor	$2,500
(b) Lt. Gov., Sec. of State	$1,500
(c) Chief Executive Officer	$1,000
(d) State Senate	$ 500
(e) State Representative	$ 250

Total contributions limited to $15,000/election.

2. By individuals to:

(a) Corporate PAC	$1,000
(b) PAC established by individuals	$1,000
(c) State Central Committee	$5,000

3. By Organizational Political Committees to:

(a) State Central Committee	$5,000
(b) Continuing Political Committee	$2,000

4. By Ongoing Political Committee:

   (a) General limitation to $2,000 for other political committees.

Exceptions:

Candidate Committee	-	unlimited
Party Committee	-	unlimited
National Committee of Party	-	unlimited
Committee for out-of-state candidate	-	unlimited
Political Committee formed "to test the waters"	-	$250

5. Prohibition Against:

   (a) Corporate or union contributions other than through PAC activity.
   (b) Anonymous contributions above $15.
   (c) Cash contributions above $50.
   (d) Contributions in the name of another.

PENALTIES:

1. Late Filing	-	$50 fee.
2. Late Filing Over 7 Days	-	$1,000 fine, 1 year imprisonment.
3. General Violations of Act	-	$5,000 fine, 5 years imprisonment.

DELAWARE

DATE: July 1988

The information contained in the synopsis has not been verified by the state. It is valid as of 1983.

ADDRESS:

Commissioner of Elections
101 Court Street
DOVER, Delaware
19901, U.S.A.

REFERENCE:

Delaware Code Annotated,

Revised 1974 as amended to May, 1983.
Title 15, Part VI--Election Campaigns c.80
Campaign Contributions & Expenditure
sections 8001-8013.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X			
	Committee	X	Forms:	yes	X sworn
	Constituency Association	___			
	Party	___	Audit:	yes	___
	Other	___			
To:	CEO		PAC		
	Commission	X	Regulation:	yes	X
	Secretary of State	___			

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100	X	
2. Expenditure	X	X	X	$100	X	X

TIME OF FILING:

	Before	After
Primary		
General Election		

20 Days before election* and by December 31st of year following election.

Subsequent to election until fund closed--December 31st and each year thereafter.

* both primary and general

Comments:

Certification of Superior Court that reports have been filed required before candidate gets certificate of election.

PUBLIC DISCLOSURE:

By:	Commission
How long are the records kept:	1 year
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: State Election Commission

Duties:

Receive Reports	X
Investigate	___
Publicize Reports	___
Refer Violations to AG	___
Other: prescribe forms	___

Composition:

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer (optional)

Function: Assist candidate in keeping records and filing reports.

Committee's Agent: Treasurer (required)

Function: Reporting

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

1. No Limits
2. Advertising to carry "paid for by..."

CONTRIBUTION LIMITATIONS:

Provisions:

By: 1. Individuals, corporations, unions:

- to both candidate and committee statewide: $1,000
- to both candidate and committee senate, rep: $ 500

2. Candidate and family: $5,000

Prohibition Against:

1. Contributions above $50 being in cash;
2. Contributions in name of another; and
3. Anonymous contributions.

PENALTIES:

1. Exceeding contribution limits, accepting excess contributions	- class B misdemeanour.
2. Exceeding expenditure limits	- two to ten times the excess is assessed as a fine.
3. Knowingly failing to file or filing a false report	- class B misdemeanour.

DISTRICT OF COLUMBIA

DATE: July 1988

ADDRESS:

Executive Director
Office of Campaign Finance
Suite 2000, 14th Street, N.W.
Suite 420
Washington, D.C.
20009, U.S.A.

REFERENCE:

District of Columbia Code, 1981 ed.,

as amended to March 1982 C. 14 Election Campaigns, Lobbying, Conflict of Interest--Section 1-1401 to 1473.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO ___
Director X
Secretary of State ___

Forms: yes X sworn

Audit: yes X

PAC Regulations: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50	X	X
2. Expenditure	X	X	X	$10	X	X

TIME OF FILING:

	Before	After
Primary	8	60
General Election	8	60

Also 10th of March, June, August, October & December of an election year; 31st January of each year; and 31st July of each non-election year.

Comments:

Contributors above $50 also required to file statement.

Quarterly reports of contributions and expenditures to be filed as set forth by the D.C. Board of Ethics and Elections.

Political committees to file statements of organization within 10 days of organization.

Contributions of over $200 received after closing date of last pre-election report to be reported within 24 hours of receipt.

PUBLIC DISCLOSURE:

By: Director of Campaign Finance

How long are the records kept: 5 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Director of Campaign Finance

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X*
Other: - hold informal hearings - prescribe forms	

* Through Board

Composition:

D.C. Board of Elections and Ethics:

- makes regulations regarding elections;
- gives advisory opinions; and
- initiates and maintains civil actions.

Note:

Director performs administrative functions.

Director's office is established within the Board. Appointed by the Mayor - 4-year term.

Personal financial disclosure requirements for candidates.

AUDITORS:

A full scale audit is conducted only if found necessary after an inhouse review of the return or if a written complaint is received.

AGENCY:

Candidate's Agent: Principal Campaign Committee

Function:
1. Reporting
2. Receiving Contributions
3. Authorizing Expenditures
4. Record Keeping

Committee's Agent: Treasurer

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	X
Tax Checkoff	
Reimbursement	
Other	

Details:

$50, $100 for a joint return.

EXPENDITURE LIMITATIONS:

Provisions:

1. All expenditures (other than petty cash expenditures of less than $50 per transaction) must be authorized and made by cheque.
2. All newspapers, magazines, posters, handbills, other printed material to bear words "paid for by..."
3. Each political committee and candidate shall include on the face or front page of all literature and advertisement soliciting funds the following notice: "A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections and Ethics".

CONTRIBUTION LIMITATIONS:

Provisions:

1. Total contributions by individuals and corporations is not to exceed $4,000 in the aggregate per election.

   Otherwise, the following contribution limits exist:

1. Candidate for Mayor	$2,000
2. Candidate for Senator	2,000
3. Candidate for Representative	2,000
4. Candidate for Chairman of Council	1,500
5. Candidate for Member of Council	1,000
6. Candidate for Member of Board of Education	200
7. Candidate for Advisory Neighborhood Commission	25

Prohibition Against:

1. Cash Contributions of $50 or more.
2. Contributions in the name of another.

PENALTIES:

1. Wilful filing of a false report	- $10,000 fine, 5 years imprisonment.
2. Violations of other provisions	- $ 5,000 fine, 6 months imprisonment.
3. Non-compliance with disclosure provisions	- civil offence - $50/day, not to exceed $500.

FLORIDA

DATE: July 1988

ADDRESS:

Division of Elections
Department of State
Room 1801, The Capitol
TALLAHASSEE, Florida
32304, U.S.A.

REFERENCE:

Florida Election Code,

c.106 of Florida Statutes Annotated, as amended to October, 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Parties	___
	Other	___
To:	CEO	
	Commission	X
	Secretary of State	___

Forms: yes X

Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100*		and occupation
2. Expenditure	X	X	X	All**	X	X

TIME OF FILING:

	Before	After
Primary	see addendum	
General Election		

Comments:

* if under $100, occupation and employer not required.

** expenditures from petty cash need not be itemized.

Persons making independent expenditures, with respect to a candidate, of $100 or more must file a separate report.

PUBLIC DISCLOSURE:

By:	Division of Elections
How long are the records kept:	10 years
Manner of Disclosure:	Public Inspection Annual Reports to Legislature

CONTROL MECHANISM:

Name: Division of Elections

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	*
Other: prescribe rules	___

* Refers findings of investigations to Florida Election Commission.

Composition:

Florida Election Commission:

Composition - 7 members appointed by the Governor with approval of three members of the Cabinet and subject to confirmation from the Senate. No more than 4 members from the same party - 4 year terms - evaluates violations reported by Division of Elections, gives advisory opinions.

Note: Personal financial disclosure required of candidates.

AUDITORS:

A detailed audit is to be carried out by an officer appointed by the Division of Elections.

If the report is in any way unsatisfactory, the treasurer is given 3 days to make the necessary corrections. If the treasurer fails to comply then it is considered a violation of this Chapter.

AGENCY:

Candidate's Agent: Campaign Treasurer (required)

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Accounts and Records
4. File Reports

Committee's Agent: Campaign Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

1. All advertising, including that which is purchased as an independent expenditure, must be clearly identified.
2. Rates and charges for advertising must not exceed normal commercial rates.

CONTRIBUTION LIMITATIONS:

Provisions:

By individuals and political committees to:

Statewide Candidates	$3,000/election.
Statewide Committees	$1,000/election.
Non-Statewide Candidates	$1,000/election.
Non Statewide Committees	$1,000/election.

Limits do not apply to contributions by an executive committee of a political party or by a candidate for his or her own campaign.

- Corporate and union contributions permitted, subject to the same limitations.

Prohibition Against:

(a) Anonymous contributions;
(b) Contributions in the name of another; and
(c) Cash contributions above $100.

Contributions received 5 days before an election must be returned to donors.

PENALTIES:

Note: Commission may impose civil penalties up to $1,000 fine for violations of the Act.

1. Wilfully and knowingly filing a false report	- 1st degree misdemeanour.
2. Wilfully and knowingly violating contribution limitations	- by persons - misdemeanour. - by business entities - $1,000 to $10,000 fine, possible revocation of charter. - penalty of twice the amount in violation in addition to above.
3. Generally, wilful violations of the Act	- 1st degree misdemeanour.

ADDENDUM:

TIME OF FILING

Pre-election Reports:

1. Tenth day following the end of each calendar quarter from the time the campaign treasurer is appointed.
2. Following the last day of qualifying for office, the reports will be on the 4th, 18th and 32nd days immediately preceding the first and second primaries and on the 4th and 18th days immediately preceding the general election.
3. A candidate who is unopposed in seeking nomination and election to any office must file within 90 days after the date such candidate became unopposed.

In the event that a special election is called for which there is no qualifying period, reports required pursuant to subparagraph (d) shall be filed following the 49th day prior to the election. If a special election is called and is scheduled to be held fewer than 49 days from its calling, reports filed pursuant to subparagraph (d) shall be required beginning upon the calling of such election.

Reports by Political Parties:

The state executive committee and each county executive committee of each political party shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates and shall be filed on the first Friday of each calendar quarter except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election.

HAWAII

DATE: July 1988

ADDRESS:

Campaign Spending Commission
335 Merchant Street, Room 215
HONOLULU, Hawaii
96813, U.S.A.

REFERENCE:

Hawaii Revised Statutes,

as amended to August, 1982 c. 11, Part XII Expenses Sub-part B Election Campaign Contributions and Expenditures.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	
	Secretary of State	

Forms:	yes	X
Audit:	yes	
PAC Regulation:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose	
1. Contribution	X	X	X	$100	X		
2. Expenditure	X	X	X	all	X	X	X

TIME OF FILING:

	Before	After
Primary	10	20
General Election	10	30

Comments:

Statements of organization required from candidates, parties and committees within 10 days of receiving total contributions of $100 or making any expenditure.

Supplemental Reports:

1. If there is a deficit, it must be filed every 6 months until the deficit is eliminated, the first report to be filed by the thirtieth day after the last day of the election year.
2. If there is a surplus, every six months until the candidate runs again, or party/committee again participate in an election.

PUBLIC DISCLOSURE:

By: Lieutenant-Governor

How long are the records kept: 5 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Campaign Spending Commission

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X

Other:
- prescribe rules
- receive complaints
- administer and monitor the distribution of public funds

Composition:

Five members appointed by Governor; two from each of the two parties who polled the largest vote in the last election, and one chairman.

AUDITORS:

Within sixty days after each general election, the Commission shall conduct an examination and audit of all public funds received by the candidate and of the campaign contributions used for purposes of qualifying for public funding under this sub-part, and the campaign expenses incurred by all candidates who received payments.

AGENCY:

1. **Candidate's Agent:**
   - Campaign Treasurer (required)
   - Candidate may appoint self

   Function:
   1. Receive Contributions
   2. Authorize Expenditures
   3. File Reports

   Committee's Agent: Campaign Treasurer (required)

   Function: Same

2. Designated Central Committee required of candidate supported by more than one committee.

   Function: Aggregating total contributions and expenditures of all committees directly associated with candidate and reporting aggregates.

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	X
Reimbursement	

Other: public funding - see addenda

Details:

Tax Checkoff:

$100 maximum
$200 for a joint return

EXPENDITURE LIMITATIONS:

Provisions:

Total expenditures for candidates volunteering to limit their expenditures thus qualifying for public funding:

1. Office of Governor - $1.25/elector.
2. Office of Lt.-Governor - 70¢/elector.
3. Office of Mayor - $1.00/elector.
4. Offices of State Senator, State Representative, County Council Member and Prosecuting Attorney - 70¢/elector.
5. Offices of the Board of Education and all other offices - 10¢/elector.

Note: To be escalated by 10% per year, base year 1979.

Advertising:

1. The financing by any person or political party of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees, or agents shall be considered to be a contribution to such candidate.
2. (a) All advertisements shall contain the name and address of the candidate, committee, party, or person paying for the advertisement.

   (b) No person shall cause or submit any advertisement in support of a candidate or against a candidate's opponent, to be published, broadcast, televised or otherwise circulated and distributed except under the following conditions:

   (1) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated with the approval and authority of the candidate, provided that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or

   (2) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published broadcast, televised, or circulated without the approval and authority of the candidate.

CONTRIBUTION LIMITATIONS:

Provisions:

1. No entity other than a political party may contribute over $2,000 per candidate, per election.

2. Candidate/immediate family exempt from above but limited to $50,000 in aggregate in an election year.

3. Anonymous contributions are unlawful.

4. Prohibition does not apply to contributions under $500 given anonymously by groups of 10 or more people at the same event.

5. Cash contributions over $100 prohibited unless a receipt is issued and a record kept of the transaction.

6. Prohibition against contributions in the name of another.

7. No political party shall make contributions to a candidate in any calendar year in an aggregate amount greater than the following percentages of the expenditure limit for each respective office:

Governor	20%
Lt.-Governor	20%
Mayor and Prosecuting Attorney	20%
State Sen. & County Council Member	30%
State Representative	40%
Board of Education	40%
All Other Offices	40%

PENALTIES:

Violation of the Act

- Natural Person - Petty Misdemeanour.
- If a corporation, organization, association, or labour union, it shall be punished by a fine not exceeding $1,000; and

  Whenever a corporation, organization, association, or labour union violates this sub-part, the violation shall be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labour union, who have knowingly authorized, ordered, or done any of the acts constituting the violation.
- Statute of Limitations - 2 years.

ADDENDA

PUBLIC FUNDING:

Source:

Hawaii Election Campaign Fund within State Treasury from Tax Checkoff and General Revenue Fund.

To Qualify:

Candidate must voluntarily limit his campaign expenditures and shall be in receipt of the following sum of qualifying campaign contribution for his respective offices:

1. Office of Governor	- qualifying contributions which in the aggregate exceed $25,000.
2. Office of Lieutenant-Governor	- qualifying contributions which in the aggregate exceed $20,000.
3. Office of Mayor - in a county having more than 100,000 registered voters	- qualifying contributions which in the aggregate exceed $15,000.
4. Office of Mayor - in a county having less than 100,000 registered voters	- qualifying contributions which in the aggregate exceed $ 2,000.
5. All other Offices	- qualifying contributions which in the aggregate exceed $ 500.

Maximum Amount of Public Funds Available:

Funds for candidates for Governor, Lieutenant-Governor, Mayor--shall not exceed 20% of total expenditure limit established for office.

IDAHO

DATE: July 1988

ADDRESS:

Secretary of State
Room 203, Statehouse
BOISE, Idaho
83720, U.S.A.

REFERENCE: **The Sunshine Law for Political Funds and Lobbyist Activity Disclosure,**

Title 67, c. 66, as amended 1983 Supp.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	
	Secretary of State	X

Forms:	yes	X
Audit:	yes	
PAC Regulation:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50	X	
2. Expenditure	X	X	X	$25*	X	X

* Report Expenditures under $25 by category only.

TIME OF FILING:

	Before	After
Primary	7	30
General Election	7	30

Quarterly reports required in election years only.

Annual reports due January 31st.

Political Committees:

If specifically designated to support a state candidate or ballot issue--must report. (Includes candidate's election committees.)

If not specifically designated, but has received/expended over $500 for election purposes--must report.

Comments:

Advertisers must keep records available to public of amounts paid and obligations incurred by candidates/political committees.

Any individual who spends over $50 in support or opposition of an issue, candidate or committee must file a report within 30 days of election.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	4 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X
Other: prescribe rules and regulations, forms	

Composition:

Elector may file complaints with Secretary of State.

Secretary of State is required to inspect all reports to determine conformity to law within three months.

AUDITORS:

AGENCY:

Candidate's Agent: * Treasurer Required

Function:
1. Keep Accounts
2. File Reports
3. Receive Contributions
4. Authorize Expenditures

* Candidate may appoint self.

Committee's Agent: Treasurer Required

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	X
Tax Checkoff	X
Reimbursement	
Other	

Details:

1. Half of political contribution up to $5;
2. $1 checkoff to political parties.

   Each party receives the funds in its earmarked account. Funds from the general account as follows:

   - 90% to all parties in proportion to votes received in last gubernatorial election, no party to receive more than 1/2 this amount.
   - Remaining 10% to be distributed equally to all major, minor and new parties which have qualified to have candidates in the next general election.

EXPENDITURE LIMITATIONS:

Provisions:

1. All expenditures must be made through candidate or authorized agents.
2. Advertising must be clearly identified.
3. Candidates must report expenditures of personal funds.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Anonymous contributions.
2. Contributions in the name of another designed to conceal the true source.

PENALTIES:

Violation of Act by:

1. Individuals - $ 250 fine, up to 6 months imprisonment.
2. Others - $2,500 fine.
3. Late filing - $ 10/day.
4. Statute of Limitations - 2 years.

ILLINOIS

DATE: July 1988

ADDRESS:

State Board of Elections
1020 South spring Street
Springfield, Illinois
62704, U.S.A.

REFERENCE:

The Election Code of Illinois,

R.S.I. 1985 revised to January 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:

Candidate	X
Committee	X
Constituency Association	___
Party	___
Other	___

To:

CEO	
Commission	X
Secretary of State	___

Forms:	yes	X
Audit:	yes	___
PAC Regulation:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$150	X	
2. Expenditure	X	X	X	$150	X	X

TIME OF FILING:

	Before	After
Primary	15*	
General Election	15*	90*

* Campaign contribution reports only.

Annual reports of campaign contributions and expenditures are due July 31st of each year.

Every contribution of $500 or over received between the due date of the pre-election report, and the election must be reported within 2 business days.

Comments:

The Treasurer must keep detailed accounts of all expenditures above $20.

A group or individual soliciting funds becomes a political committee with reporting responsibilities when:

1. over $1,000 is spent on state and local election candidates or issues, or
2. over $3,000 is spent on statewide election issues.

A statement of organization is required of committees within 30 days of formation.

PUBLIC DISCLOSURE:

By:	Board
How long are the records kept:	2 years
Manner of Disclosure:	Public Inspection

Note: Board advises political committees of the name, occupation and address of all who examine their reports.

CONTROL MECHANISM:

Name: State Board of Elections

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	___
Refer Violations to AG	X
Other: prescribe rules, forms	___

Composition:

Composition of the State board is to be eight appointed members.

Electors may file complaints re contraventions of the Act with Board.

Board has authority to hold preliminary hearings.

Personal financial disclosure are not required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer/Chairman* (required)

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Records and Accounts
4. File Reports

* Candidate may appoint self.

Note: 3 and 4 by Treasurer only.

Group's Agent: Same

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No limits

1. No expenditures without proper authorization.

Advertising:

1. All advertisements must be properly identified.
2. Any committee receiving contributions/making expenditures on behalf of a candidate, without his/her authorization, shall include notice in the publication/broadcast that the committee is not authorized.

CONTRIBUTION LIMITATIONS:

Provisions:

No limits

1. Prohibition against:
   (a) Contributions in the name of another.
   (b) Anonymous contributions.

PENALTIES:

1. Wilful failure to file or wilful filing of a false report	- class B misdemeanour.
2. Board may impose Civil Penalties	- up to $1,000.
3. Statute of Limitations	- 18 months.

INDIANA

DATE: July 1988

ADDRESS:

Secretary of State
State House
Indianapolis, Indiana
46204, U.S.A.

REFERENCE:

Indiana Code, The Election Code, Title Three,

article 4 as amended to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms:	yes	X
Audit:	yes	X
PAC Regulation:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100.01		
2. Expenditure	X	X	X	$100.01		X

TIME OF FILING:

	Before	After
Primary	25	
General Election	25	

Comments:

Annual reports to be filed each January 15th.

Organizational reports required within 10 days of formation.

All $ transfers between committees to be itemized.

PUBLIC DISCLOSURE:

By: State Election Board

How long are the records kept: 3 years

Manner of Disclosure: Public Inspection
Annual Report

CONTROL MECHANISM:

Name: State Election Board

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG X
Other: prescribe rules, forms __

Composition:

Personal financial disclosure required of candidates.

AUDITORS:

The state election board shall make audits from time to time with respect to reports filed under this article.

AGENCY:

Candidate's Agent: Principal Political Committee

Function:

Committee's Agent: Treasurer

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Records and Accounts
4. File Reports

FUNDING PROVISIONS:

Manner:
Tax Deduction __
Tax Credit __
Tax Checkoff __
Reimbursement __
Other __

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No limits

Advertising:

1. All advertisements must be properly identified as to source.
2. All literature and advertisements soliciting funds must include a notice indicating where the financial reports are filed and available for public inspection.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Corporate and union contributions are limited as follows:

(a) $5,000/year total to all statewide offices, and

(b) $5,000/year total to all state central committees.

(c) $2,000/year total to all candidates for senate, general assembly, and house of representatives.

(d) $2,000/year total to all other political committees.

Prohibitions:

1. Against contributions in the name of another.
2. Against anonymous contributions.

PENALTIES:

1. Wilful failure to file or wilful filing of a false report	- class D felony.
2. Failure to file after receiving notice	- class A misdemeanour.
3. All other violations	- class B misdemeanour.

IOWA

DATE: **July 1988**

ADDRESS:

Campaign Finance Disclosure Commission
Seventh Floor, Colony Building
507 - 10th Street
DES MOINES, Iowa
50309, U.S.A.

REFERENCE:

Campaign Disclosure - Income Tax,

Checkoff Act, c.56 Code of Iowa, 1977, as amended to 1983, updated to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes	X
	Committee	X			
	Constituency Association	___	Audit:	yes	X
	Party	___			
	Other	___			
To:	CEO		PAC		
	Commission	X	Regulation:	yes	X
	Secretary of State	___			

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$25-$200 statewide	X	
2. Expenditure	X	X	X	$5	X	X

TIME OF FILING:

	Before	**After**
Primary		
General Election		

20th day of January, May, July, October in election years and October in non-election years. January report is the annual report.

30 days after dissolution of committee--committee shall not dissolve until all debts/obligations settled.

Comments:

Filing required only if contributions or expenditures are more than $250/year.

- Organizational report required of committees within 10 days of crossing $250/year threshold.
- 25th January report required from State Statutory Committee to confirm that all tax check-off funds spent were spent on permitted expenses.

PUBLIC DISCLOSURE:

By: Commission

How long are the records kept: 5 years

Manner of Disclosure: Open to Public Inspection

Note: A committee of a national political party is not required to file a disclosure report with the commission if it is required by federal law to file a campaign disclosure report with a federal agency.

Local reports filed with County Commissioner of Election.

CONTROL MECHANISM:

Name: Campaign Finance Disclosure Commission

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other:	

- compliants procedure
- authorize forms
- give declaratory rulings
- levy civil penalties for contravention of Act

Composition:

5 members, not more than 3 from the same political party, appointed by Governor with confirmation by Senate.

Executive Director, three staff members.

AUDITORS:

AGENCY:

Candidate's Agent: Committee*

Function:

* Required if contributions/expenditures exceed $250.

Committee's Agent: Treasurer/Chairman

Function:
1. Keep accounts and records
2. File reports

Note: Chairman or candidate to authorize expenditures.

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

$1.50 check-off to party of choice.
$3.00 for a joint return.

DISTRIBUTION:

If the contribution is designated to a party, it goes to the party. If not, then:

1. If there are two political parties, undesignated money is divided equally between them.
2. If more than two parties, the money is divided according to the proportion that the number of electors declaring affiliation to each party bears to the number of affiliated electors as a whole.

EXPENDITURE LIMITATIONS:

Provisions:

None on candidate and other committees.

Restrictions on Income Tax check-off.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Corporate contributions,
2. Contributions in the name of another, and
3. Anonymous contributions.

PENALTIES:

Violations of Act	- serious misdemeanour.
Late Filings	- per diem fine - increases as delay increases.
	- maximum - $400/day for repeat protracted delay.
Statute of Limitations	- 1 year.

KANSAS

DATE: July 1988

Note: The information contained in the synopsis has not been verified by the State. It is valid as of 1983.

ADDRESS:

Secretary of State
2nd Floor
State Capitol
TOPEKA, Kansas
66612, U.S.A.

REFERENCE:

Kansas Election Laws 1985,

K.S.A. 25-4142 as amended to May, 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party X
Other ___

To: CEO
Commission ___
Secretary of State X

Forms: yes X sworn

Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$50	X	
2. Expenditure	X	X	X	$50	X	X

TIME OF FILING:

	Before	**After**
Primary	6	
General Election	6	Dec 10

Comments:

1. Organizational reports required of committees within 10 days of formation
2. Statements also required at intervals specified by Commission until all debts/obligations discharged.
3. Termination report required if committee intends to dissolve.
4. Persons making independent expenditures over $100/year to file as do committees, though reports need not be cumulative.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	To be designated by the Commission.
Manner of Disclosure:	Open to public inspection.
Out of state contributors must:	1. file names, addresses and breakdowns of totals contributed to recipient treasurers who report this to commission, or 2. file a statement of organization.

CONTROL MECHANISM:

Name: Kansas Public Disclosure Commission

Duties:
- Receive Reports
- Investigate X
- Publicize Reports
- Refer Violations to AG X
- Other:
  - Complaints procedure ___
  - Advisory opinions
  - Rules and regulations
  - Personal financial disclosure required of candidates.

Composition:

5 Members:

1 appointed by Governor;
1 appointed by President of Senate;
1 appointed by Speaker, House of Representatives;
1 appointed by Minority Leader, House of Representatives; and
1 appointed by Minority Leader, Senate.

AUDITORS:

AGENCY:

Candidate's Agent: Candidate Committee (required)

Function:
1. Contributions/expenditures must be by or through treasurer
2. Keep accounts (detailed)
3. File reports

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:
- Tax Deduction ___
- Tax Credit ___
- Tax Checkoff ___
- Reimbursement ___
- Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals, corporations, unions associations.

	Gov., Lt.-Gov., Statewide	Sen./Rep.
Primary	$3,000	$750
General	$3,000	$750

2. Unlimited contributions by candidate and family.

Limitation On Advertising:

1. Rates not to exceed charges made for comparable use of space for other purposes.

Prohibition Against:

1. Contributions in the name of another.
2. Anonymous contributions over $10.

PENALTIES:

Exceeding contribution limits	- class A misdemeanour.
Accepting excess contributions	- class A misdemeanour.
Knowingly failing to file	- class A misdemeanour.
Filing a false report	- class A misdemeanour.
Failing to file (civil)	- $10/day, maximum $300.

KENTUCKY

DATE: July 1988

ADDRESS:

Kentucky Registry of Election Finance
1604 Louisville Road
FRANKFORT, Kentucky
40601, U.S.A.

REFERENCE:

Kentucky Election Laws, Kentucky,

Revised statutes as amended to 1988, sections 121-015 to 121-990.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms:	yes	X
Audit:	yes	X
PAC Regulation:	yes	X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$300	X	Occupation
2. Expenditure	X	X	X	$ 25	X	

TIME OF FILING:

	Before	**After**
Primary	32,12	30
General Election	32,12	30

By executive committee--30 days after primary and general.

- If candidate is left with surplus/deficit after final report--supplementary statement due 30 days after post-election report and semi-annual statement thereafter until credit/debit = 0. (Opposed: semi-annual; Unopposed: annual.)
- Candidates must file quarterly reports during period between their registration as candidates and first pre-election report.
- Permanent committees must fine quarterly reports.

Comments:

1. Threshold amount to define a political issue committee: $1,000 in contributions or expenditures.
2. Any person making an independent expenditure of over $300 must report.
3. Committees must file a notice of intent upon organizing.

PUBLIC DISCLOSURE:

By:	Registry
How long are the records kept:	4 years
Manner of Disclosure:	Publishing Summary Open to Public Inspection

CONTROL MECHANISM:

Name: Kentucky Registry of Election Finance

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other:	

- Complaints procedure
- Initiate civil actions
- Forms, regulations

Composition:

5 Members

Two Democrats and two Republicans are appointed by the Governor from a list of three for each party provided by the State Central Committee. The four appointed members submit two names from which the Governor is to appoint a fifth member.

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer*

Function:
1. Designate depository
2. Authorize expenditures
3. Account for receipts and disbursements
4. Keep bills for 4 years
5. Receive contributions

* Candidate may appoint self as treasurer.

Committee's Agent: Treasurer

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

Deduction: Taxpayers may add $2 surcharge to go to designated party of their choice.

Checkoff: Funds given to party to be used only:

1. In support of party's candidates in general election, or
2. To cover administration costs of party headquarters.

Separate report filed 30 days after general election to account for expenditures of public funds.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Advertising Limitations:

1. Cannot charge excess rates.
2. Advertisement identified by "paid for by..."

Prohibition Against:

1. Contributions above $100 being in cash.
2. Contributions in the name of another.
3. Anonymous contributions over $100.
4. Corporate contributions.

PENALTIES:

Exceeding contribution limits by:

1. Individuals	- $1,000 fine, 1 year, if lawyer - disbarment.
2. Corporations	- $10,000, 30 days to 1 year for individuals, for contributions to candidate. - $500 to $5,000, revocation of charter, for contributions to political organizaticns.
3. Knowingly failing to file or filing a false report	- $1,000 fine, 1 year.

LOUISIANA

DATE: July 1988

ADDRESS:

Supervisory Committee on Campaign Finance Disclosure
7434 Perkins Road, Suite B
BATON ROUGE, Louisiana
70808, U.S.A.

REFERENCE:

Louisiana Revised Statutes,

c.11 The Campaign Finances Disclosure Act as amended to 1986, S.1482-1531.

Note: Major amendments to the Campaign Finances Disclosure Act were passed in the summer of 1988 to take effect January 1, 1989.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Party	___
	Other	___
To:	CEO	
	Commission	X
	Secretary of State	___

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	*	X	
2. Expenditure	X	X	X	*	X	X

* $1,000 statewide offices
$ 500 district offices
$ 250 all others

TIME OF FILING:

	Before	**After**
Primary	180,90,30 10 Days	
General Election	10 Days	40 Days

In addition, during the 20 days prior to the primary, and prior to the general elections, contributions over:

$2,000 for statewide campaigns,
$1,000 for district,
$ 500 for other, and all expenditures over $200 must be reported within 48 hours.

If a candidate's post election report shows a deficit, supplementary annual reports required until deficit resolved.

Comments:

1. If a committee/candidate is active during a calendar year - i.e. receiving or expending money, annual report required.
2. Threshold amount to define a political committee: $500 in contributions received or money expended.
3. "Person" making independent expenditures over $500 must report.

PUBLIC DISCLOSURE:

By: Supervisory Committee

How long are the records kept: 6 years

Manner of Disclosure: Public Records Open for Inspection

CONTROL MECHANISM:

Name: Supervisory Committee of the E.F.D.A.O.

Duties:
Receive Reports X
Investigate X
Publicize Reports ___
Refer Violations to AG X
Other: ___
- Rules, forms
- Advisory opinions
- Initiate civil proceedings

Composition:

Two members appointed by the Senate, two members appointed by the House of Representatives, one member appointed by the Governor (must be a retired member of the judiciary).

Personal Financial Disclosure required of the candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer*

Function:
1. Handle funds
2. File reports
3. Keep accounts

* Candidate shall be his/her own campaign treasurer, unless he/she appoints one. Candidate may designate one principal campaign committee to report on his/her behalf.

Committee's Agent: Chairman, Treasurer*

Function:
1. Handle funds
2. File reports
3. Keep accounts

* Subsidiary committees may report to principal committees which in turn report to the E.F.D.A.O.

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

1. All expenditures must be authorized and made by cheque.
2. Petty cash may be established, expenditures from petty cash limited to $100.
3. Candidate must keep complete records of all campaign expenditures made from the candidate's personal funds, regardless of amount.

Advertising:

1. Rates charged may not exceed normal commercial rates.
2. Advertisements must be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Non-profit and profit corporations, labour unions, professional associations shall not make campaign contributions or expenditures unless approved by:

1. Vote of the membership of union.
2. Vote of board of directors or executive board.
3. By executive who have been specifically empowered to do so.

Prohibitions Against:

1. Contributions in name of another.
2. Anonymous contributions.
3. Cash contributions over $300.

PENALTIES:

Knowingly failing to file or filing false report

- civil--per diem fine--not in excess of $500/day--not to exceed $10,000.
- criminal--$500 and/or 6 months imprisonment (if fradulent violation).

MAINE

DATE: July 1988

Note: **The information contained in the synopsis has not been verified by the State. It is valid as of 1983.**

ADDRESS:

Commission on Governmental
Ethics and Election Practices
State House Station #101
AUGUSTA, Maine
04333, U.S.A.

REFERENCE:

Maine Revised Statutes Annotated, 1954,

Title 21-A-Elections, c.13-Campaign Reports and Finances; as amended September 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$10/$50 aggregate	X	X
2. Expenditure	X		X	all	X	X

TIME OF FILING:

	Before	After
Primary	42,7	42
General Election	7	42

Comments:

Any contribution or expenditure of $1,000 or more made after the last report before the election must be reported within 48 hours.

Supplemental reports every 3 months if there is a surplus or deficit, until it is eliminated.

PUBLIC DISCLOSURE:

By:	Commission
How long are the records kept:	
Manner of Disclosure:	Public Disclosure

CONTROL MECHANISM:

Name: Commission on Governmental Ethics and Election Practices

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X
Other	

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer or Self

Function:
1. Handle funds
2. Keep records
3. File reports

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

1. State allows Federal itemized deductions for purposes of State income tax.
2. Checkoff: $1 surcharge to be paid to specified party.

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EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising:

All advertisements must be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals - $ 1,000/candidate.
   - $25,000/aggregate.
2. By committees, corporations and, associations - $ 5,000/aggregate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents shall be considered to be a contribution to such candidate.

PENALTIES:

Late filing - $10/business day.

Violation of the Act - class E crime.

MARYLAND

DATE: July 1988

ADDRESS:

State Administrative Board of Election Laws
11 Bladen Street, P.O. Box 231
ANNAPOLIS, Ontario
21404, U.S.A.

REFERENCE:

Summary of Maryland Law,

relating to Fair Election Practices (1986)
Annotated Code of Maryland
Article 33, Section 26.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO
Commission X
Secretary of State ___

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	all	X	*
2. Expenditure	X	X	X	all	X	*

* Broken down by category.

TIME OF FILING:

1. No later than the fourth Tuesday immediately preceding any primary election; and
2. No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday; and
3. No later than the third Tuesday after any election or prior to taking office, whichever first occurs; and
4. If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (3) above is filed, six months after the election; and
5. If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (4) above is filed, six months after the election; and
6. If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (5) above is filed, one year after the election; and
7. If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (6) above or any subsequent report or statement is filed, annually on the anniversary of the election until no cash balance, unpaid bill, or deficit remains; and
8. If a cash balance or outstanding debts or deficits were reflected on the last preceding report, but have all been eliminated by the date on which the next report is due, then a report clearly marked as "final" shall be filed on or before such date showing all transactions since the last report.

Committees:

Shall file reports as required by (1), (2) and (3) previously mentioned, and annual reports. Organizational report required of all candidates and committees before commencing activities.

PUBLIC DISCLOSURE:

By: Board

How long are the records kept: 5 years or one year longer than term of office.

Method of Disclosure: Open to public inspection.

CONTROL MECHANISM:

Name: State Administrative Board of Election Laws

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to Prosecuting Authority	X
Other	

Composition:

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer* (required)

Function:
1. Handle funds
2. File reports
3. Keep accounts

* All expenditures and contributions must pass through treasurer.

Committee's Agent: Chairman and Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	
Reimbursement	
Other	

Details:

$100 Deduction

Reimbursement:

Primary: Candidates who qualify for public funding receive $1 public financing for every $2 raised privately, if opposed; and $1 for every $3 raised if unopposed.

General: Remainder of money from fund goes towards subsidizing general elections.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

If a candidate received public subsidy, he/she is only entitled to spend $.20 x the population of the state.

If a candidate does not receive public funding then no expenditure limit exists.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals, corporations, unions:
    - $1,000/candidate including candidate's committee to a maximum of $2,500/election.
2. By individuals, corporations, unions:
    - to one or more political committee - $2,500.
3. Transfers between committee/candidate treasurers generally exempt from these limitations.

Advertising:

1. May only charge normal commercial rates for advertisements.
2. Advertisements must be properly identified as to sponsor.

Prohibition Against:

1. Anonymous contributions,
2. Contributions in the name of another, and
3. Cash contributions over $100.

PENALTIES:

1. Violation of the Act	- misdemeanour--$1,000 fine, 1 year imprisonment--ineligible to hold office for 4 years.
2. Late filing fee	- $10/business day maximum, $250--candidate cannot take office until all reports are filed.
3. Statute of Limitations	- 3 years.

MASSACHUSETTS	**DATE:** July 1988
ADDRESS:	Office of Campaign and Political Finance Commonwealth of Massachusetts 1 Ashburton Place BOSTON, Massachusetts 02108, U.S.A.
REFERENCE:	**Mass. General Laws,** c.55, as amended to February 1988.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes X
	Committee	X		Audit:	yes X
	Constituency Association				
	Party				
	Other				
To:	CEO			PAC Regulation:	yes X
	Commission	X			
	Secretary of State				

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50	X	
2. Expenditure	X	X	X	$25	X	X

TIME OF FILING:

	Before	After
Primary	8	
General Election	8	30

Comments:

Final report by January 10 following general election. Supplemental reports each January 10 if contributions received after filing of final report.

Statement of organization required of political committees.

Political committees report as do the candidates they support.

PUBLIC DISCLOSURE:

By:	Office
How long are the records kept:	Candidate: 6 years Committees: 6 years
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Office of Campaign and Political Finance

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X
Other: forms	

Composition:

Four members: state chairman of each of the two leading political parties; dean of a law school; secretary of state, appointed by governor. Members select a director.

Personal financial disclosure required of candidates filed with Ethics Commission.

AUDITORS:

AGENCY:

Candidate's Agent: Self

Function: Same

Committee's Agent: Treasurer (required)

Function:
1. Keep accounts
2. File reports
3. Authorize expenditures

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	
Tax Checkoff	
Reimbursement	
Other	

Details:

Primaries and general elections--funds given to candidates--derived from a voluntary addition of $1 to income tax return by an individual.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Expenditures over $50 to be by cheque.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Individuals:
   - $1,000/year to candidate
   - $1,000/year to party
   - $1,000/year to political committees not attached to candidate or party.
2. Political Committees:
   - $1,000/year to candidate
   - $1,000/year to political committees.

Prohibition Against:

1. Corporate contributions,
2. Contributions above $50 being in cash,
3. Contributions in the name of another, and
4. Anonymous contributions.

PENALTIES:

Exceeding contribution limits	- individual $500 fine or 6 months imprisonment. - corporation--$50,000 fine, (maximum). - corporation's agent--$10,000 fine (maximum) and/or 1 year imprisonment.
General violations of the Act	- $1,000 fine, 1 year imprisonment.

MICHIGAN

DATE: July 1988

ADDRESS:

Elections Division
Campaign Finance Reporting Section
P.O. Box 20126
LANSING, Michigan
48901, U.S.A.

REFERENCE:

Campaign Finance Reporting,

P.A. 388, 1976 as amended to January 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	
	Secretary of State	X

Forms:	yes	X
Audit:	yes	
PAC Regulation:	yes	X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$20	X	and occupation*
2. Expenditure	X	X	X	$50		X

* If contributed over $200.

TIME OF FILING:

	Before	**After**
Primary	11	30
General Election	11	30

Comments:

A committee must also file a statement by the following January 31st of each year.

- Contributions over $200 received after closing date of pre-election report to be reported within 48 hours.
- Individual making independent expenditure over $100.01 must file report within 10 days with county clerk.
- Committee must file statement of organization within 10 days of formation and must file financial reports if contributions/expenditures exceed $1,000.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	Longer of 5 years or 1 year beyond term of office.
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X
Other: forms	X
declaratory rulings	X

AUDITORS:

After each election for the office of governor, an audit is conducted by the Department of State of each person who received public funds.

AGENCY:

Candidate's Agent: Candidate Committee (required)

Function:

Committee's Agent: Treasurer (required)*

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

* Candidate may appoint self as his/her committee's treasurer.

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

1. $2 tax checkoff to state campaign fund.
2. Candidates may receive moneys from the state campaign fund if they qualify under Sections 64-66 of the Act.
3. Major political party nominee is entitled to no more than 75% of spending limit in general election.
4. Must adhere to spending limits.
5. Received $1 for every $2 qualifying contribution.
6. $50 deduction.

EXPENDITURE LIMITATIONS:

Provisions:

For candidates seeking public funding:

1. Expenditures may not exceed $1,000,000 in the aggregate for 1 election.*
2. Expenditures less than 20% of the limits for the purpose of soliciting contributions or expenditures made to purchase media space in order to reply to unfavorable remarks of an editorial, or of an opponent, are exempt.
3. Expenditures over $50 must not be made in cash.

* Candidates who do not receive public funding are not bound by the expenditure limitations of the Act.

Advertising:

Must disclose name and address of sponsor or contain a disclaimer: "Not authorized..."

CONTRIBUTION LIMITATIONS:

Provisions:

1. For candidates seeking public funding by:

(a) Individuals : $1,700/election
(b) Independent Committees : 10 X individual limit
(c) State Central Committees : 25% of candidate's expenditure limit
(d) Candidate and Family : $25,000/election

2. Prohibitions Against:

(a) Corporate contributions,
(b) Anonymous contributions,
(c) Contributions in the name of another, and
(d) Contributions above $20 being in cash.

3. By individuals or political committees:

(a) State elective office - $1,700/election
(b) State senate candidate - $ 450/
(c) State house candidate - $ 250/

4. By independent or political party committees:

- Ten times individual limits.

PENALTIES:

Exceeding contributions limits:

1. Individuals	- $ 1,000 fine, 90 days imprisonment.
2. Corporations	- $10,000 fine.
3. Exceeding expenditure limits	- $ 1,000 fine, 90 days imprisonment.
4. Failure to file	- $ 1,000 fine, 90 days imprisonment. - late filing penalty $10/day--maximum $300. - candidate for state elective or judicial office--$25/business day for annual campaign statement.

MINNESOTA

DATE: July 1988

ADDRESS:

Minnesota Ethical Practices Board
625 North Robert Street, Room #102
ST. PAUL, Minnesota
55101-2520, U.S.A.

REFERENCE:

Ethics in Government Act,

Minnesota Statutes c.10A
as amended to July 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	X
	Party	X
	Other	X
To:	CEO	
	Commission	X
	Secretary of State	

Forms: yes X

Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100	X	X
2. Expenditure	X	X	X	$100	X	X

TIME OF FILING:

	Before	After
Primary	10*	
General Election	10	

Comments:

* 7 days before special primaries and special elections.

Thirty days after special elections.

Annual reports on January 31st of each year. Contributions of $2,000 or more received after the last report, but prior to an election must be reported by telegram within 48 hours and in the next report.

Organizational reports from political committees within 14 days of their contributions/expenditures exceeding $100. (Threshold for financial report requirements.)

Individuals making independent expenditures over $100 must report as would a committee and candidates spending only their own funds.

PUBLIC DISCLOSURE:

By:	State Ethical Practices Board
How long are the records kept:	5 years
Manner of Disclosure:	Public inspection Annual Report to Legislature

CONTROL MECHANISM:

Name: State Ethical Practices Board

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to Prosecuting Authority	
Other: forms, advisory opinions	

Personal financial disclosure required of candidates.

Composition:

Six members appointed by Governor with advice and consent of 3/5 of State Congress sitting separately.

No more than 3 members from same party.

AUDITORS:

AGENCY:

Candidate's Agent: Principal Candidate's Committee Treasurer

Function: Same as Committee's Agent

Committee's Agent: Treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

Tax Checkoff: $5 to state elections campaign fund ($10 for joint return) may be designated to be paid by taxpayers; may designate amount to political party of choice or to general account.

EXPENDITURE LIMITATIONS:

Provisions:

For candidates seeking public funding:

1. Governor and Lt.-Governor running jointly	$600,000*
2. AG	$100,000
3. Secretary	$ 50,000
4. State Senator	$ 15,000
5. State Representative	$ 7,500

If, in a primary, the successful candidate receives less than twice as many votes as anyone of his/her opponents, the candidate may spend 20% above the applicable spending limit.

* Amounts adjusted in accordance with consumer price index 1967 = base year.

CONTRIBUTION LIMITATIONS:

Provisions:

Prohibitions Against:

1. Corporate contributions.
2. Anonymous contributions above $20.

Political party contributions to candidate's committee restricted to 5 times the amount that can be contributed to candidate by an individual or a political committee or political fund.

No limit on candidate's contribution to his/her own campaign.

No contributions from an individual, a political committee or political fund in excess of:

1. Governor & Lt.-Governor running jointly:	
Election year	$60,000
Other year	$12,000
2. AG	
Election Year	$10,000
Other Year	$ 2,000
3. Secretary	
Election Year	$ 5,000
Other Year	$ 1,000
4. Senator	
Election Year	$ 1,500
Other Year	$ 300
5. Representative	
Election Year	$ 750
Other Year	$ 150

PENALTIES:

1. Exceeding limits	- fine up to 4 times the excess.
2. Violation of reporting requirements	- misdemeanour.
3. Late filing fee January 31st report	- $ 5/day maximum $100.
Pre-election report	- $50/day maximum $500.

MISSISSIPPI

DATE: **July 1988**

ADDRESS:

Secretary of State
P.O. Box 136
JACKSON, Mississippi
39205, U.S.A.

REFERENCE:

Mississippi Code 1972, (Annotated Supp. 1987)

Title 23--Elections, c.15--s.23-15-1 to 23-15-1097 Campaign Finance Disclosure s.23-15-801 to 23-15-815.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	
	Secretary of State	X

Forms:	yes	X
Audit:	yes	X
PAC Regulation:	yes	X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$500*	X	
2. Expenditure	X	X	X	$500*	X	X

* State-wide and state district offices.

TIME OF FILING:

	Before	**After**
Primary	7	*
General Election	7	

Comments:

In 1987 and every fourth year thereafter, periodic reports are required, which shall be filed no later than the tenth day after each of May 31, June 30, September 30 and December 31.

* Termination Report when candidate will no longer accept contributions or make expenditures and has no debts or obligations.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	___
Publicize Reports	___
Refer Violations to AG	___
Other: forms	___

AUDITORS:

AGENCY:

Candidate's Agent:	Campaign Manager	**Committee's Agent:**	Chairman/Chief Financial Officer
Function:	File Reports	**Function:**	File Reports

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Candidates must authorize election literature and authorization must be clearly shown.

CONTRIBUTION LIMITATIONS:

Provisions:

Corporations limited to $1,000/year to any committee, party or candidate.

PENALTIES:

1. Violation of the Act	- Campaign Finance Disclosure--misdemeanour--$3,000 fine.
2. Corporation exceeding contribution limits	- Fine - not less than $1,000, and - not more than $5,000.
3. No candidate to be certified as nominated or elected until reports are filed.	

MISSOURI **DATE:** July 1988

ADDRESS:

Office of the Secretary of State
State Capitol
JEFFERSON CITY, Missouri
65102, U.S.A.

REFERENCE: **Missouri Campaign Finance and Disclosure Law,**

c.130 (1978) as amended to May, 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes	X sworn
	Committee	X	Audit:	yes	___
	Constituency Association	___			
	Party	___			
	Other	___			
To:	CEO	___	PAC Regulation:	yes	X
	Commission				
	Secretary of State	X			

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		
2. Expenditure	X	X	X	$100	X	X

TIME OF FILING:

	Before	After
Primary	40,7	30
General Election	40,7	30

Comments:

Supplemental reports each 90 days after election if there is a surplus or deficit greater than $5,000.

If expenditure over $1,000, or contribution over $250 from single individual received, annual reports to be filed in January.

Late contributions--over $1,000 statewide; over $500 non-statewide to be reported within 48 hours.

Committees--threshold amount--must report if expenditures/contributions exceed $1,000--organizational report within 20 days of formation.

Individual making independent expenditure over $500 must report within 14 days.

Internal dissemination of campaign material by organization, union, corporation, at a cost of over $2,000 to be reported within 14 days.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Open to Public Inspection Annual Report

CONTROL MECHANISM:

Name: Secretary of State

Duties: Receives reports
Establishes forms, manuals

Composition:

Campaign Finance Review Board

Six members appointed by Governor--no more than 3 members of same political party.

Duties:
1. Assist Secretary of State
2. Investigate
3. Complaints procedure
4. Refer violations to prosecuting attorney

AUDITORS:

AGENCY:

Candidate's Agent: Candidate Committee*

Function: Same

* Candidate may appoint self as candidate committee and/or treasurer.

Committee's Agent: Treasurer (required)

Function:
1. Receive contributions
2. Make expenditures
3. Keep accounts
4. File reports

FUNDING PROVISIONS:

Manner: Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Expenditures over $50 to be made by cheque.

Advertisements to be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Corporate/union contributions acceptable if:

1. Board of directors of corporation directly or indirectly authorizes.
2. Members of labour union authorize by majority vote.

Prohibitions:

1. Anonymous contributions over $10 (and in the aggregate less than $500).
2. Cash contributions over $100 (total of $100 cash contribution per voter per election).
3. Contributions in name of another.

PENALTIES:

1. Violation of the Act - class A misdemeanour.
2. Statute of Limitations - 3 years.

MONTANA

DATE: July 1988

Note: The information contained in the synopsis has not been verified by the State. It is valid as of 1983.

ADDRESS:

Commissioner of Political Practices
Capitol Station
HELENA, Montana
59620, U.S.A.

REFERENCE:

Montana Code Annotated,

Title 13 c.35, 36 and 37 as amended to 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Party	___
	Other	___
To:	CEO	
	Commission	X
	Secretary of State	___

Forms:	yes X	sworn
Audit:	yes ___	
Registration:	yes ___	
PAC Regulation:	yes X	

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$25		and occupation
2. Expenditure	X	X	X	All	X	X

TIME OF FILING:

	Before	After
Primary	15 & 5*, 10**	20
General Election	15 & 5*, 10**	20

Comments:

Organizational report required of committees within 5 days of first expenditure.

* Statewide candidates only. Must also file reports on 10th day of March and September of election year, within 24 hours of receiving a contribution of $500 or more after the last pre-election report and on 10th of March and September of each year so long as there remains a balance or deficit.

** Other than statewide offices, also within 24 hours of receiving a contribution of $100 or more after the last pre-election report.

PUBLIC DISCLOSURE:

By:	Commissioner of Political Practices
How long are the records kept:	10 years
Manner of Disclosure:	Public Inspection Public Summaries and Reports Annual Report to Legislature

CONTROL MECHANISM:

Name: Commissioner of Political Practices

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	*
Other: prescribe rules	

* If the AG takes no action--may hire attorneys to prosecute violations, civil or criminal, of the Act.

Composition:

Appointed by Governor for a six-year term.

Personal financial disclosure required of statewide candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer (required)

Function:
1. Receive Contributions
2. Authorize Expenditures
3. Keep Records and Accounts
4. Prepare Reports

Committee's Agent: Campaign Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	X
Tax Checkoff	X
Reimbursement	
Other	

Details:

1. $50 deduction
2. $ 1 add-on for public campaign fund

Money paid over in equal amounts to all eligible candidates five months before election.

EXPENDITURE LIMITATIONS:

Provisions:

1. All expenditures must come from a designated depository.

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals to:

    (a) Governor & Lt. Gov. jointly - $1,500
    (b) Other statewide elections - 750
    (c) State Senator - 400
    (d) Other public office - 250

    in the aggregate for all elections.

2. By independent committees to:

    (a) Governor & Lt. Gov. jointly - $8,000
    (b) Other statewide offices - 2,000
    (c) Senate - 600
    (d) House - 300

    in the aggregate for all elections.

Advertising Regulation:

1. All advertisements must be properly identified.

Prohibition Against:

(a) Corporate contributions,
(b) Contributions in the name of another, and
(c) Anonymous contributions.

PENALTIES:

1. Illegal contributions/expenditures	- $1,500 fine or 3 times the unlawful contribution or expenditure, whichever is greater.
2. Other violations of the Act	- misdemeanour.
3. Elected official in violation of Act	- removed from office.
4. Statute of Limitations	- 4 years.

NEBRASKA

DATE: **July 1988**

ADDRESS:

Nebraska Accountability &
Disclosure Commission
11th Floor, State Capitol
P.O. Box 95086
LINCOLN, Nebraska
68509, U.S.A.

REFERENCE:

Nebraska Political Accountability and Disclosure Act,

as amended to 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To:
CEO ___
Commission X
Secretary of State ___

Forms: yes X sworn

Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100	X	
2. Expenditure	X	X	X	$100		X

TIME OF FILING:

	Before	After
Primary	30,10	40
General Election	30,15	40

Comments:

Late contributions must be reported within 5 days of their receipt.

Independent expenditures over $100 must be reported within 10 days.

Corporations, unions must report any contributions or services (volunteer) within 10 days of the end of the calendar month in which expenditure or service took place.

Statement of organization required of committees within 10 days of formation (threshold amount $2,000 received or expended).

Annual reports, June 1st, if committee received or expended over $1,000.

PUBLIC DISCLOSURE:

By:	Commission
How long are the records kept:	5 years
Manner of Disclosure:	Public Inspection Publication of Summaries

CONTROL MECHANISM:

Name: Nebraska Accountability and Disclosure Commission

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG ___
Other: ___
- Initiate civil & criminal actions
- Advisory opinions
- Rules & regulations
- Forms
- Suspend or modify reporting
- Requirements if good cause shown

Composition:

. 9 members including Secretary of State;
. 4 members appointed by Governor;
. 4 members appointed by Secretary of State.
. Not more than 4 of the 8 members to be of the same political party.
. Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Candidate Committee (required)

Function: Same

* Candidate may appoint self as committee and/or treasurer.

Committee's Agent: Treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertisements to be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Contributions above $50 being in cash.
2. Anonymous contributions.
3. Contributions in the name of another.

PENALTIES:

Civil Penalties	- up to $1000/violation.
Late filing	- $300 fine, $10/day fee.
General violations of the Act	- class III misdemeanour.
Wilfully filing false report	- class IV felonies.

NEVADA

DATE: July 1988

ADDRESS:

Secretary of State
State Capitol
CARSON CITY, Nevada
89710, U.S.A.

REFERENCE:

State of Nevada Election Laws,

N.R.S. Title 24 Election Campaign Practices, 294A, as amended to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes	X
	Committee	___			
	Constituency Association	___	Audit:	yes	___
	Party	___			
	Other	___			
To:	CEO	___	PAC Regulation:	yes	___
	Commission	___			
	Secretary of State	X			
	Person to whom candidate filed declaration of candidacy	X			

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$500	X	
2. Expenditure	X	X	X	All	X	

TIME OF FILING:

	Before	**After**
Primary	15	
General Election	15	30

Comments:

Individual making independent expenditures over $500 to report as does candidate.

PUBLIC DISCLOSURE:

By: Secretary of State

How long are the records kept: 4 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Composition:

Duties:
- Receive Reports X
- Investigate X
- Publicize Reports ___
- Refer Violations to AG X
- Other: prescribe rules, forms ___

AUDITORS:

AGENCY:

Candidate's Agent:

Group's Agent:

Function:

FUNDING PROVISIONS:

Manner:
- Tax Deduction ___
- Tax Credit ___
- Tax Checkoff ___
- Reimbursement ___
- Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising:

1. Candidates must authorize political advertisements.
2. Publishers and broadcasters must keep record of costs of political advertisements run, and make this information available for public inspection for the period 10 days before the election to 30 days after.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES:

1. Violations of reporting provisions - gross misdemeanour.

NEW HAMPSHIRE

DATE: July 1988

ADDRESS:

Secretary of State
204 State House
CONCORD, New Hampshire
03301, U.S.A.

REFERENCE:

New Hampshire Revised Statutes Annotated,

c.664 Political Expenditures and Contributions.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	
	Secretary of State	X

Forms: yes X sworn

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$25/*$100		
2. Expenditure	X	X	X	All		X

* If over $100, occupation must be reported as well.

TIME OF FILING:

	Before	After
Primary		
General Election	*	

Comments:

* The Wednesday three weeks preceding an election.

. The Wednesday preceding an election.
. Late contributions over $500 to be reported within 24 hours.
. Second Friday after an election.
. Followed by reports every six months until all deficits or surplus is wiped out.

Political committees to register prior to making any expenditures or receiving any contributions.

If expenditures exceed $500, must file financial reports.

PUBLIC DISCLOSURE:

By: Secretary of State

How long are the records kept:

Manner of Disclosure: Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	___
Publicize Reports	___
Refer Violations to AG	X
Other	___

Composition:

A complaints procedure through the Attorney General's office exists.

AUDITORS:

AGENCY:

Candidate's Agent: Financial Agent*
(required)

Function:
1. Handle funds
2. File reports in conjunction with candidates

* Candidate may appoint self.

Committee's Agent: Committee Treasurer
(required)

Function:
1. Handle funds
2. File report

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising:

1. Rates charged not to exceed normal charged.
2. Advertisements to be marked "political advertising."
3. Must be authorized in writing by candidate or his/her fiscal agent.
4. Must be signed.

CONTRIBUTION LIMITATIONS:

Provisions:

By individuals: $5,000

Prohibition Against:

1. Corporations, unions or partnerships contributing.
2. Anonymous contributions.
3. Contributions in the name of another.

PENALTIES:

Violations of the Act

- natural person--misdemeanour.
- other persons--felony.

NEW JERSEY

DATE: July 1988

ADDRESS:

Election Law Enforcement Commission
National State Bank Building
Suite 1215, 28 W. State Street
TRENTON, New Jersey
08625-0185, U.S.A.

REFERENCE:

The New Jersey Campaign Contributions and Expenditures Reporting Act,

N.J.S.A. 19:44A-1 *et seq.* as amended to December 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms: yes X sworn

Audit: yes X

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	All*	X	
2. Expenditure	X	X	X	All	X	

* If under $100, no name and address.

TIME OF FILING:

	Before	After
Primary	19,11	20
General Election	29,11	20

Comments:

Subsequent to election until the fund is closed--60 day intervals (candidates).

Reports of continuing political committee organizations to be filed quarterly.

Private expenditures above $100 to be reported.

PUBLIC DISCLOSURE:

By: Commission

How long are the records kept:

Manner of Disclosure: Annual Report to Assembly
Open to Public Inspection
Summaries of Reports Published

CONTROL MECHANISM:

Name: Election Law Enforcement Commission

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG X
Other: X
- Initiate civil actions
- Extend filing deadlines if good cause shown
- Advisory opinions
- Regulations, forms

Composition:

Bi-partisan 4 members appointed by the Governor with advice and consent of the Senate.

Personal financial disclosure required of candidates.

AUDITORS:

All reports filed with the Commission shall be subject to review and audit by the Commission.

AGENCY:

Candidate's Agent: Campaign Treasurer (required)

Function:
1. Handle all funds
2. File and certify reports

Committee's Agent: Campaign Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff X
Reimbursement ___
Other:
- public funding

Details:

Public Funding:

Gubernatorial Candidates

1. $2 of funding for every $1 contribution after the first $50,000 of qualifying contributions.
2. Primary--maximum subsidy 20 cents per voter in last presidential election.
3. General--maximum subsidy 40 cents per voter in last presidential election.
4. Source--tax checkoff and general treasury funds.

EXPENDITURE LIMITATIONS:

(Apply to gubernatorial candidates receiving public funding.)

Provisions:

Primary: 35 cents per voter in last presidential election.

General: 70 cents per voter in last presidential election.

Candidate's private expenditure limited to $25,000.

Advertising:

Public Broadcasting Authority to provide:

1 hour joint appearance, and
1 hour individual appearance.

Summary statements are sent out about all gubernatorial candidates.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Individuals and political committees:

   - $800/election

   (Applies to gubernatorial candidates.)

2. County committees and municipal committees (in the same county) of a political party to gubernatorial candidates:

   - $ 10,000 election
   - $100,000 in the aggregate

   (For all counties.)

Prohibition Against:

1. Anonymous contributions.
2. Contributions in the name of another.

PENALTIES:

1. Violation of filing or reporting provisions	- misdemeanour.
2. Violation of limitation provisions	- up to $1,000 fine for 1st offence. - up to $2,000 fine for every subsequent offence.

NEW MEXICO

DATE: July 1988

Note: **The information contained in the synopsis has not been verified by the State. It is valid as of 1983.**

ADDRESS:

Secretary of State
Executive Legislative Bldg., Rm. 400
State Capitol
SANTE FE, New Mexico
87503, U.S.A.

REFERENCE:

New Mexico Laws 1979,

c.360 as amended by laws 1981, c.331; and 1985. c.2, sec. 10, 11 and 12.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO ___
Commission ___
Secretary of State X

Forms: yes X
Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	All	X	X
2. Expenditure	X	X	X	All	X	X

TIME OF FILING:

	Before	After
Primary	10	30
General Election	10	30

Comments:

Six months after the 30-day report if surplus or deficit remains.

Every subsequent 12 months as long as deficit remains.

Act specifies an itemized listing of expenditures.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	2 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of State and Attorney General

Duties:
Receive Reports X
Investigate ___
Publicize Reports ___
Refer Violations to AG ___
Other ___

Composition:

Secretary of State transmits all forms to A.G. who examines for discrepancies and releases a report.

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Self or Committee

Function: Same

Committee's Agent: Treasurer (required)

Function:
1. Handle funds
2. Keep accounts or receipts and disbursements
3. File reports

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertisements to include name of sponsor or authorizer.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Anonymous contributions may be accepted.

Those over $50 to be reported as to date and amount.

Contributions from insurance companies prohibited.

PENALTIES:

Knowingly failing to file or filing false report	-	petty misdemeanour--fine minimum $200; maximum $1,000, and/or three months imprisonment.
Failure to identify advertisement	-	fourth degree felony for persons, organizations who publish such material, misdemeanour for circulating it.
Late filing penalty	-	$10/business day.
Candidate failing to file	-	certification of nomination or election denied.

NEW YORK

DATE: July 1988

Note: **The information contained in the synopsis has not been verified by the State. It is valid as of 1983.**

ADDRESS:

State Board of Elections
One Commerce Plaza
ALBANY, New York
12260, U.S.A.

REFERENCE:

New York State Election Law,

Article 14.S.100 to 128,
as amended to August 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$99	X	
2. Expenditure	X	X	X	$50	X	X

TIME OF FILING:

	Before	**After**
Primary	30,11	27
General Election	30,11	27

Comments:

Also, 15th of January and July until candidate or committee terminates activity. Contributions of more than $1,000 received after the last report before an election but before the election to be reported within 24 hours.

Statement of organization required from committees before money received or expended.

Financial reports required if expenditures exceed:

- $ 50/year - ongoing committee
- $100/election - single issue committee.

PUBLIC DISCLOSURE:

By: State Board of Elections

How long are the records kept: 5 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: State Board of Elections

Duties:
Receive Reports X
Investigate X
Publicize Reports ___
Refer Violations to AG X
Other: advisory opinions ___

AUDITORS:

AGENCY:

Candidate's Agent: Self/Committee

Function:
1. Keep accounts
2. File reports
3. Authorize expenditures
4. Receive contributions

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

Expenditures above $100 must be made by cheque.

CONTRIBUTION LIMITATIONS:

Provisions:

A. INDIVIDUAL CONTRIBUTION LIMITS

1. Statewide Office

Primary Election:	Number of enrolled voters in candidate's party X $.005.
General Election:	Number of registered voters in the State X $.005.

B. FAMILY CONTRIBUTIONS

The family collectively may not exceed the following limits. Family is considered to be the candidate's child, parent, grandparent, brother and sister and their spouse.

1. Statewide Office

The same formula as the individual limits except that the multiplier is $.025.

2. State Senator

Primary Election:	No. of enrolled voters in candidate's party in district X $.05 or $4,000--whichever is greater.
General Election:	No. of registered voters in district X $.05 or $4,000--whichever is greater.

3. Member of Assembly

Primary Election:	No. of enrolled voters in candidate's party in district X $.05 or $2,500--whichever is greater.
General Election:	No. of registered voters in district X $.05 or $2,500--whichever is greater.

Advertising:

Records of political literature, advertisements and broadcasts are to be filed with required financial statements.

4. All Other Offices

General Election:

No. of registered voters in district X $.05.

Primary Election:

No. of enrolled voters in candidates party in district X $.05.

(a) State Senator

The same formula as the individual limits except that the multiplier is $.25; or $20,000, whichever is greater.

(b) Member of Assembly

The same formula as the individual limits except that the multiplier is $.25; or $12,500, whichever is greater.

(c) All Other Offices

The same formula as the individual limits except that the multiplier is $.25.

(d) Maximum

Regardless of the limits stated above, no family contribution may exceed $100,000 except in the case of statewide office for which there is no overall limit.

5. Maximum-Minimum

Regardless of the limits stated above, each individual may contribute at least $1,000 to any campaign and in no case may the contribution exceed $50,000.

There is also a $150,000 overall limit that a person may not exceed for all political activity in a calendar year.

C. Corporations

The same as the individual limits except that no corporation may expend more than $5,000 for all New York State political activity in a calendar year. The expense incurred in administering a PAC is considered a contribution to the PAC by the corporation. (SBE Opinion No. 5, 1975).

D. Contributions Exempt from Limits

1. Contributions by a candidate or the candidate's spouse to the candidate's campaign.
2. Contributions by a party or constituted committee. (See Section II, A2, (a) & (c) for definition of party and constituted committees).
3. Contributions made to political committees who are independent of a candidate, or his/her agent, or his/her authorized political committee. The term independent of a candidate or his/her agent or his/her authorized political committee shall mean that the candidate or his/her agent or authorized political committee did not authorize, request, suggest, foster or cooperate in an activity of the person or political committee.
4. Exchange of funds between a candidate and his/her authorized committee or an exchange of funds between authorized committees solely supporting the same candidate.

Prohibition Against:

(a) Anonymous contributions.

(b) Cash contributions above $100.

(c) Contributions in the name of another.

PENALTIES:

1. Wilful failure to file - misdemeanour--civil penalty--fine $100.
2. Making or receiving illegal contributions - misdemeanour.
3. Wilful performance of acts for the purpose of evading contribution limitations - class E felony.

NORTH CAROLINA

DATE: July 1988

ADDRESS:

Campaign Reporting Office
State Board of Elections
5 West Hargett Street
RALEIGH, North Carolina
27602, U.S.A.

REFERENCE: **General Statutes of North Carolina,**

c.163, Article 22A, 22B.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	
To:	CEO	
	Commission	X
	Secretary of State	

Forms:	yes	X	sworn
Audit:	yes		
PAC Regulation:	yes	X	

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$100	X	
2. Expenditure	X	X	X	$ 50	X	X

TIME OF FILING:

	Before	**After**
Primary	10	10
General Election	10	

Comments:

Supplemental reports when necessary to be filed each January 7th.

Annual reports required any year money received or spent and no report otherwise required.

Statements of organization required of candidates and committees within 10 days of filing/formation.

Individuals making independent expenditures over $100 must report within 10 days of the expenditure.

PUBLIC DISCLOSURE:

By:	State Board of Elections
How long are the records kept:	2 years at Board 10 years at Public Archives
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: State Board of Elections

Duties:	
Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	*
Other: forms	

* District Attorney

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer (required)*

Function:
1. Accept contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

* Candidate may appoint self.

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:	
Tax Deduction	X
Tax Credit	X
Tax Checkoff	X
Reimbursement	
Other	

Details:

1. $50 deduction
2. $ 1 check-off for political party.

   North Carolina Campaign Elections Fund--
   Source: tax check-off.

   Funds allocated to parties by State Treasurer. Parties distribute funds between party and candidates for gubernatorial and statewide races.

EXPENDITURE LIMITATIONS:

Provisions:

1. Advertisements must bear name of sponsor. Normal commercial charges for political advertising.
2. All expenditures for media expenses by cheque only and reported separately.
3. All other expenditures over $50 by cheque only.

CONTRIBUTION LIMITATIONS:

Provisions:

By Individuals and Political Committees: $4,000/election (candidate and his/her family, exempt)

Prohibition Against:

1. Corporate or trade union contributions.
2. Contributions in the name of another.
3. Contributions above $100 being in cash.
4. Anonymous contributions.

PENALTIES:

1. Exceeding contribution limits - misdemeanour.
2. Violation of corporate/union restrictions - misdemeanour.
3. General violation of Act - range from class 1 felony to misdemeanour.
4. Candidate failing to file - declaration of nomination or certification of election withheld.
5. Late filing - $20 per day, not to exceed 5 days.

NORTH DAKOTA

DATE: July 1988

ADDRESS:

Secretary of State
State Capitol
BISMARCK, North Dakota
58505, U.S.A.

REFERENCE:

Election Laws of the State of North Dakota, c.16.1 as amended to 1985.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	
	Other	
To:	CEO	
	Commission	
	Secretary of State	

Forms: yes X

Audit: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100	X	
2. Expenditure						

TIME OF FILING:

	Before	After
Primary	10	*
General Election	10	*

Comments:

* A complete statement for the entire calendar year shall be filed no later than 4 p.m. on the 30th of January in the following calendar year.

PUBLIC DISCLOSURE:

By: Secretary of State

How long are the records kept: 4 years

Manner of Disclosure: Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG X
Other: prescribe forms, issue guidelines ___

AUDITORS:

Random audits may occur at the discretion of the Secretary of State or at the request of the Attorney General.

AGENCY:

Candidate's Agent:

Function:

Committee's Agent:

Function:

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Political advertisements to disclose name and address of sponsor.

CONTRIBUTION LIMITATIONS:

Provisions:

Prohibition Against:

1. Corporate contributions.
2. Contributions in the name of another.

PENALTIES:

Exceeding expenditure limits	- deprivation of nomination for office.
Violating contribution provisions	- class A misdemeanour.
Other violations of Act	- class B misdemeanour.

OHIO	**DATE: July 1988**
ADDRESS:	Secretary of State COLUMBUS, Ohio 43216, U.S.A.
REFERENCE:	**Ohio Revised Code,** Annotated, Title XXXV - Elections c.3517, 3599 as amended to September 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes X
	Committee	X		
	Constituency Association		Audit:	yes X
	Party	X		
	Other			
To:	CEO		PAC Regulation:	yes X
	Commission			
	Secretary of State	X		

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$25 *	X	
2. Expenditure	X	X	X	All	X	X

* Applies only to social or fund-raising activity.

All other cases, each expenditure or contribution must be listed.

TIME OF FILING:

	Before	After
Primary	12	38
General Election	12	38

Comments:

Annual reports on last business day of January.

PUBLIC DISCLOSURE:

By: Secretary of State/Board of Elections

How long are the records kept: 6 years

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:
1. Establishes rules
2. Establishes forms
3. Receives reports

Personal financial disclosure required of candidates.

Composition:

5 members

Four appointed by Secretary of State with advice and consent of the Senate. Four members appoint the fifth.

Ohio Elections Commission

1. Investigates
2. Refers violations to prosecutors

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Committee *
(required)

Function:

* Candidate may appoint self as committee treasurer.

Committee's Agent: Campaign Treasurer
(required)

Function:
1. Receive contributions
2. Authorize expenditures
3. Maintain accounts and records
4. File reports

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

Advertising Limits:

Rates charged not to exceed amount charged to general rate advertisers; for radio and T.V., the lowest unit charge.

Political communications must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

Prohibition Against:

1. Cash contributions over $100.
2. Contributions in the name of another.
3. Corporate contributions.

Each anonymous contribution must be specified and a reason given why it cannot be attributed to a specific donor.

PENALTIES:

1. Failure to file	- $15--$1,000/day fine, depending on statement.
2. Cash contributions over $100	- fine of 3 times the amount.
3. Knowingly filing a false report	- $10,000 fine, forfeiture of office.
4. Making a corporate contribution	- $500 to $5,000 fine.
5. Contravening advertising provisions	- minor misdemeanour.

OKLAHOMA

DATE: July 1988

ADDRESS:

Oklahoma Ethics Commission
Room 118, State Capitol Building
OKLAHOMA CITY, Oklahoma
73105, U.S.A.

REFERENCE:

Oklahoma Ethics Commission Act 1987,

O.S. Supp. 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Candidate X
Committee ___
Constituency Association ___
Party X
Other ___

To:
CEO ___
Commission X
Secretary of State ___

Forms: yes X sworn

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$200		
2. Expenditure*	X	X	X	All		

* Expenditures to be broken down by category.

TIME OF FILING:

	Before	After
Primary	10	
General Election	10	40

Comments:

Supplemental report, if required, to be filed six months and ten days after election.

PUBLIC DISCLOSURE:

By: Oklahoma Ethics Commission

How long are the records kept:

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name: Oklahoma Ethics Commission

Composition:

Duties:

AUDITORS:

AGENCY:

Candidate's Agent: Agent*

Function:
1. Receive contributions
2. Authorize expenditures
3. Maintain records
4. File reports

* Candidate may appoint self.

Committee's Agent: Agent

Function: Same

FUNDING PROVISIONS:

Manner:
- Tax Deduction X (1)
- Tax Credit ___
- Tax Checkoff X (2)
- Reimbursement ___
- Other ___

Details:

1. $100 maximum deduction.
2. Funds given to gubernatorial and statewide candidates and parties.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising Limits:

1. Anonymous campaign literature prohibited.
2. Broadcasters must preserve political utterances for two years.

CONTRIBUTION LIMITATIONS:

Provisions:

1. By individuals:
   - (a) $5,000/political party or organization,
   - (b) $5,000/candidate for state office, and
   - (c) $1,000/candidate for local office.

Prohibition Against:

1. Corporate contributions.
2. Contributions under a fictitious name.

PENALTIES:

1. Violations of the Act - misdemeanour, $1,000 maximum fine or six months maximum imprisonment.
2. Three year limitation period.

OREGON	**DATE:** July 1988
ADDRESS:	Secretary of State 141 State Capitol SALEM, Oregon 97310, U.S.A.
REFERENCE:	**Oregon Revised Statutes,** c.260, 1981 Replacement Part - Campaign Finance Regulation, Election Offences, as amended to 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X	Forms:	yes	X
	Committee	X	Audit:	yes	
	Constituency Association				
	Party				
	Other				
To:	CEO		PAC Regulation:	yes	X
	Commission				
	Secretary of State	X			

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$100* $50**		or occupation
2. Expenditure	X	X	X	All***		X

* Statewide candidates.

** Other than statewide, and to a political committee supporting/opposing both statewide and other candidates or measures.

*** The amount and purpose of each expenditure.

Expenditures over $50 to be vouched for by receipt.

Expenditures over $100 to list name of person it was made to.

TIME OF FILING:

	Before	**After**
Primary	29,5	30
General Election	29,5	30

Comments:

Supplemental reports where there is a balance or deficit to be filed annually each September 10th until no deficit or balance remains.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	6 years
Manner of Disclosure:	Published Summaries Available to Public

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Refer Violations to AG	X
Other: prescribe forms regulations civil penalties	___

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Principal Campaign Committee Treasurer*

Function:
1.* Candidate may appoint self treasurer.
2. Candidate is responsible for default or violation by , his/her treasurer.

Committee's Agent: Treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	X
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

Half of political contributions up to $50 on single return, $100 on joint return.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising Limits:

1. All political advertising must be properly identified.
2. False statements prohibited.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Contributions in the name of another.
2. Contributions over $50 from out of state committees unless accompanied by written statement setting forth particulars of each contributor of more than $100 (for statewide candidates), or $50 (other offices).
3. Anonymous contributions.

PENALTIES:

Violations of any provision	- class A misdemeanour.
Failure to file	- certification of nomination/election withheld. - civil penalties levied.

PENNSYLVANIA

DATE: **July 1988**

ADDRESS:

Secretary of the Commonwealth
Capitol Building
HARRISBURG, Pennsylvania
17120, U.S.A.

REFERENCE:

Pennsylvania Campaign Expense Reporting Law,

Section 1621 to 1642, 1839 to 1851 as amended December 1981.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Party	___
	Other	___
To:	CEO	
	Commission	___
	Secretary of State	X

Forms:	yes X	sworn
Audit:	yes X	
PAC Regulation:	yes X	

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50	X	*
2. Expenditure	X	X	X	all	X	X

TIME OF FILING:

	Before	After
Primary		30
General Election	**	30

Comments:

* Contribution over $250 must list occupations/employer.

Committee required to register and file statement of organization when over $250 received in contributions.

Financial reports required when contributions or expenditures exceed $250.

Individual making independent expenditure over $100 to report as does a committee.

** Pre-election reports: statewide candidates - 6th Tuesday before, all candidates - 2nd Friday before an election.

Late contributions after final pre-election report over $500 to be reported within 24 hours.

Annual reports due January 31st until no balance or deficit to report.

PUBLIC DISCLOSURE:

By:	Secretary of the Commonwealth/Supervisor
How long are the records kept:	5 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: Secretary of the Commonwealth

Duties:		
	Receive Reports	X
	Investigate	X
	Publicize Reports	
	Refer Violations to AG	X
	Other: forms	

Personal financial disclosure required of candidates.

AUDITORS:

Every two years, an auditor will be contracted to audit the reports of 3% of all public office candidates. At this time, the auditors are to be allowed complete access to all records.

A group of five or more electors may join and petition to have a report audited, as long as the petition occurs within 90 days of filing.

AGENCY:

Candidate's Agent: Political Committee/ Treasurer

Function: 1. Receive contributions
2. Authorize expenditures

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:		
	Tax Deduction	
	Tax Credit	
	Tax Checkoff	
	Reimbursement	
	Other	

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Advertisements:

Must be clearly identified as to sponsor.

Prohibition Against:

1. Corporate or union contributions.
2. Cash contributions over $100.
3. Contributions in name of another.
4. Anonymous contributions.

PENALTIES:

1. General violation of the Act	- misdemeanour--$1,000 fine and/or 1 year imprisonment.
2. Corporate contributions	- $1,000 to $10,000 fine.
3. Wilfully filing a false or misleading report	- perjury on conviction, disqualification from holding public office.
4. Late filing fee	- $10/business day, maximum $250. - no certification of nomination/election until reports filed.

RHODE ISLAND | **DATE: July 1988**

ADDRESS:

Board of Elections
State House
PROVIDENCE, Rhode Island
02903, U.S.A.

REFERENCE:

General Laws of Rhode Island 1956 as amended,

Title 17 chapter 25 - Rhode Island Campaign Contribution and Expenditure Reporting Act.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes X
	Committee	X		Audit:	yes ___
	Constituency Association	___			
	Party	___			
	Other	___			
To:	CEO	___		PAC Regulation:	yes X
	Commission	X			
	Secretary of State	___			

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$200		
2. Expenditure	X	X	X	$25		X

TIME OF FILING:

	Before	**After**
Primary	28,7	28
General Election	28,7	28

Comments:

Annual financial disclosure statements to be filed on or before March 1st.

PACs to file additional quarterly reports until committee dissolves.

Committees to file notice of organization before receiving or expending money.

Threshold amount for defining political committee - contribution of $200.

Independent expenditure by individual over $200 to be reported to candidate or committee supported, who will report the expenditure.

Reports are required from all candidates. Type of report depends on amount of contributions and expenditures.

PUBLIC DISCLOSURE:

By: Board

How long are the records kept:

Manner of Disclosure:
Annual Report to Assembly
Open to Public Inspection through Secretary of State

CONTROL MECHANISM:

Name: Board of Elections

Duties:
Receive Reports X
Investigate X
Publicize Reports ___
Refer Violations to AG X
Other: ___
- Make forms, manuals, rules, regulations.
- With good cause, may vary filing deadlines.
- Advisory opinions.

Composition:

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer* (required)

Function:
1. File reports
2. Receive contributions
3. Authorize expenditures
4. Keep records

* Candidate may appoint self.

Committee's Agent: Same

Function: Same

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff X
Reimbursement ___
Other ___

Details:

$1 checkoff to political party or general fund.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibitions Against:

1. Contributions in name of another.
2. Anonymous contributions.

PENALTIES:

Violations of Act - petty misdemeanour; maximum $500 fine.

SOUTH CAROLINA

DATE: **July 1988**

ADDRESS:

State Ethics Commission
Dennis Building, Suite 545
1000 Assembly Street
COLUMBIA, South Carolina
29201, U.S.A.

REFERENCE:

South Carolina State Ethics Act,

Article IX Campaign Practices s.8-13-610,8-13-620 and 8-13-630, 1976 Code of Laws of South Carolina, as amended.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	___
	Party	___
	Other	___
To:	CEO	
	Commission	X
	Secretary of State	___

Forms:	yes	X
Audit:	yes	X
PAC Regulation:	yes	X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X		X	$100		
2. Expenditure			X	All		X

TIME OF FILING:

	Before	After
Primary		30
General Election		30

Comments:

A current list of contributors of more than $100 must be maintained in the final two weeks prior to an election (primary or general). Open to public inspection on request.

Expenditures need only be reported in the final report. If contributions are received or expenditures made after the filing of the final report, they must be reported within 10 days of the end of the calendar quarter in which funds were received or expended.

PUBLIC DISCLOSURE:

By: Commission

How long are the records kept: 4 years

Manner of Disclosure: Open to Public Inspection
Annual Report to Assembly

CONTROL MECHANISM:

Name: State Ethics Commission

Duties:
Receive Reports X
Investigate X
Publicize Reports X
Refer Violations to AG X
Other:
- Complaints procedure
- Advisory opinions
- Rules and Regulations
- Forms

Composition:

Six members appointed by Governor (one from each congressional district), upon advice and consent of General Assembly.

Four-year terms.

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent:

Function:

Committee's Agent:

Function:

FUNDING PROVISIONS:

Manner:
Tax Deduction
Tax Credit
Tax Checkoff
Reimbursement
Other

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES:

General violation of the Act - misdemeanour--fine not exceeding $1,000 and/or 90 days imprisonment.

SOUTH DAKOTA

DATE: **July 1988**

ADDRESS:

Secretary of State
500 E. Capitol
PIERRE, South Dakota
57501, U.S.A.

REFERENCE:

South Dakota Compiled Laws,

Title 12 - Elections, c.12-25, as updated to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party X
Other ___

To: CEO ___
Commission ___
Secretary of State X

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		X
2. Expenditure	X		X	All		

TIME OF FILING:

	Before	After
Primary	*	
General Election	*	

Comments:

Individual contributions over $500 received within 9 days before an election must be reported within 48 hours of receipt.

* Statewide: Candidates and committees report last Tuesday prior to election and annually on February 1st.

Legislature: Candidates and committees report on July 1st and December 31st of election year.

Financial reports required whenever over $500 is received or expended.

PUBLIC DISCLOSURE:

By: Secretary of State

How long are the records kept: Discretion of Records Destruction Board

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

1. **Secretary of State:**
    - Receives reports
    - Forms
2. **Attorney General**
    - Investigates
    - Prosecutes violations

AUDITORS:

AGENCY:

Candidate's Agent:

Function:

Committee's Agent:

Function:

FUNDING PROVISIONS:

Manner:

Tax Deduction ___

Tax Credit ___

Tax Checkoff ___

Reimbursement ___

Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising:

All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

By individual to:

Statewide candidate - $1,000/year.

Non-statewide candidate - $ 250/year.

Political party - $3,000/year.

Does not apply to candidate and his/her family.

Corporate and Labour Union contributions prohibited.*

* Associations may contribute out of funds contributed for the purpose of making political contributions, but not from dues or treasury funds.

PENALTIES:

General violation of the Act	- class 2 misdemeanour. - candidate - forfeiture of office. - removal from ballot.
Intentional false statement	- perjury.

TENNESSEE

DATE: **July 1988**

ADDRESS:

Office of the Secretary of State
403 7th Avenue North
NASHVILLE, Tennessee
37219, U.S.A.

REFERENCE:

Campaign Financial Disclosure Act of 1980,

Tennessee Code Annotated, 2-10-101 through 2-10-112.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO ___
Commission *
Secretary of State ___

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

* State Librarian

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$1000		
2. Expenditure	X	X	X	$100		X

TIME OF FILING:

	Before	**After**
Primary	7	48
General Election	7	48

Comments:

Supplemental report required one year after election if balance or deficit exits.

Continuing committees file quarterly reports, within 10 days of Jan. 1st, April 1st, July 1st and Oct. 1st.

Threshold amount for status of political committee - receipt or expenditure of over $250 in one calendar quarter.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Public Inspection*

* If reports are inspected, candidates/committees are notified within 30 days regarding who inspected, and when.

CONTROL MECHANISM:

Name: Secretary of State

Duties:
- Receive Reports
- Prescribe Reports
- Prescribe Rules
- Obtain advisory opinions from AG

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent:	Political Treasurer* (required)	**Committee's Agent:**	Political Treasurer (required)
Function:	1. Handle funds 2. Keep accounts and records 3. File reports	**Function:**	Same

* Candidate may appoint self.

FUNDING PROVISIONS:

Manner:
- Tax Deduction
- Tax Credit
- Tax Checkoff
- Reimbursement
- Other

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES:

1. Wilful violation of Act	- misdemeanour.
Candidate in wilful violation	- forfeits right to nomination certification of election.
2. Failure to file a statement or wilfully filing false statement	- fine up to $1,000.

TEXAS

DATE: July 1988

ADDRESS:

Secretary of State
Elections Division
P.O. Box 12060
AUSTIN, Texas
78711, U.S.A.

REFERENCE: **Texas Election Code c.251-256,**

Title 15, as amended to 1988.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association X
Party ___
Other X

To: CEO ___
Commission
Secretary of State X

Forms: yes X sworn

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50 ($10)*	X	X**
2. Expenditure	X	X	X	$50 ($10)*		X

* Monthly reports of general purpose committee only.

** Contributions over $50 to general purpose committee only.

TIME OF FILING:

	Before	After
Primary	30,7	30
General Election	30,7	30

Comments:

Annual reports January 15th if contributions or expenditures received or made in the preceding year. General Purpose Committee to file whether or not expenditures received or $ expended. General Purpose Committee may choose to file as above, or to file monthly statements.

Statements of organization required of committees before contributions received or expenditures made.

Individual making independent expenditure over $100 must report.

Effective August 29th, 1983:

(a) PACs to register with Secretary of State 30 days before election.

(b) Senate candidates receiving contributions over $1,000; House candidates over $200 in the 9 days preceding an election, to report within 48 hours.

Political committee may not make or authorize a campaign contribution or expenditure unless they have appointed a Treasurer not later than 30 days before election day.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	2 years
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	___
Refer Violations to AG	X
Other: Review reports for significant noncompliance; prescribe forms; interpret act.	___

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer* (required)

Function:
1. Authorize expenditures
2. Keep records
3. File reports

* Candidate may appoint self.

Committee's Agent: Treasurer (required)

Function:
1. Authorize expenditures
2. Keep records
3. File reports on behalf of committee

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	___
Reimbursement	___
Other	___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

Advertising:

1. Advertising rates may not exceed lowest applicable unit charge.
2. Advertisements must properly identify sponsor's name and address and must be identified as political advertisements.

CONTRIBUTION LIMITATIONS:

Provisions:

Prohibition Against:

(a) Corporate and union contributions.

(b) Contributions above $500 from out-of-state committees unless individual contributors of $100 or more are identified.

(c) Cash contributions over $100.

(d) Contributions in name of another unless the person discloses the other's name.

PENALTIES:

1. Failing to File	- class C misdemeanour $200 fine.
2. Knowingly making an unlawful expenditure or accepting an unlawful contribution	- class A misdemeanour--one year imprisonment and/or $2,000 fine plus civilly liable to state for three times the amount plus liable to each opponent for double the amount and lawyer's fees.
3. Failure to Disclose	- class A misdemeanour. - civilly liable to State for three times unreported amount, plus liable for double the amount and lawyer's fees to each opposing candidate.
4. Illegal Contributor Expenditure by Corporation or Labour Union	- Felony 3rd degree--two to 10-year imprisonment and/or $5,000 fine. - Civilly liable--3 times contribution/expenditure to State--two times contribution or expenditure to each opponent.

UTAH

DATE: July 1988

ADDRESS:

Office of the Lieutenant-Governor
203 State Capitol
SALT LAKE CITY, Utah
84114, U.S.A.

REFERENCE:

Utah Code Annotated 1953 Title 20,

Elections c.14, Corrupt Practices in Elections s.20-14-1 to 20-14-47 as amended to 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party X
Other X

To: CEO
Commission ___
Lieutenant-Governor X

Forms: yes X

Audit: yes ___

PAC Regulation: Lt.-Governor yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$50	X	X
2. Expenditure	X		X	All	X	X

TIME OF FILING:

	Before	After
Primary	5	
General Election	5	

Comments:

Also 10th of July, October and December of an election year (statewide).

Party committees need not file the 5th day pre-primary report.

Candidates for house and senate to file reports 30 days after elections or elimination from race.

Media enterprises which accept expenditures to report on 10th day of June, July, August, Sept., Oct. and Dec. of election year and 5 days prior to election.

PUBLIC DISCLOSURE:

By:	Lieutenant-Governor
How long are the records kept:	5 years
Manner of Disclosure:	Open to Public Inspection

CONTROL MECHANISM:

Name: State Auditor

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	*
Other: forms, regulations	

Composition:

Personal financial disclosure required of candidates.

* County Attorney

AUDITORS:

AGENCY:

Candidate's Agent: Personal Campaign Committee*

Function:

* One member of committee to be appointed secretary. If no committee, then candidate fulfills function of secretary.

Committee's Agent: Secretary

Function:
1. File reports
2. Authorize expenditures
3. Receive contributions

FUNDING PROVISIONS:

Manner:

Tax Deduction	X
Tax Credit	
Tax Checkoff	X
Reimbursement	
Other	

Details:

$50 tax deduction.

$ 1 checkoff to political party.

EXPENDITURE LIMITATIONS:

Provisions:

No expenditure over $1,000 unless authorized in writing by candidate or committee.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES:

1. Knowingly failing to file a report - disqualified until statement is filed.
2. Violation of expenditure laws - class B misdemeanour.
3. Other violations of Act - misdemeanour, disqualified from office.

VERMONT

DATE: **July 1988**

ADDRESS:

Secretary of State
State House
MONTPELIER, Vermont
05602, U.S.A.

REFERENCE:

Vermont Statutes Annotated (1968),

Title 17 c.59 Campaign Finance
s.2801 to 2832 effective July 1st, 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party X
Other ___

To: CEO ___
Commission ___
Secretary of State X

Forms: yes X

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$50		
2. Expenditure	X		X	All	X	X

TIME OF FILING:

	Before	**After**
Primary	*40, 10	*10
General Election	40, 10	10

Comments:

* Statewide candidates, political parties and committees - further reports to be filed on July 15th and annually thereafter as long as a deficit or surplus remains.

Candidates for House or Senate to report 10 days before primary, 10 days before general election, 30 days after general election, then on July 15th as per statewide candidates.

Must publicly designate a single bank as depository.

Threshold for political committee/candidate status and reporting requirements-contributions or expenditures over $500.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	Permanently
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	
Refer Violations to AG	X
Other: forms, rules	

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer*

Function:
1. Responsible for maintaining the chequing account
2. File reports

* Candidate may appoint self.

Committee's Agent: Treasurer

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	
Tax Credit	
Tax Checkoff	
Reimbursement	
Other	

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

All expenditures must be made by cheque from a single chequing account.

CONTRIBUTION LIMITATIONS:

Provisions:

1. Maximum contribution of $1,000 from a single source to candidates and political committees.

   Maximum contribution of $5,000 from a political committee to candidates or political committee.

   Contributions from candidates and families exempt.
2. All contributions of $50 or more must be made by cheque.

PENALTIES:

1. Failure to file - no certificate of nomination or election until report is filed.
2. Violations of Act - $1,000 fine, 6 months imprisonment.

VIRGINIA

DATE: July 1988

ADDRESS:

State Board of Elections
101 Ninth Street Office Building
RICHMOND, Virginia
23219, U.S.A.

REFERENCE:

Fair Election Practices Act,

Code of Virginia, sections 24.1-251 to 24.1-277 and 24.1-18 as amended to July 1st, 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party ___
Other ___

To: CEO ___
Commission X
Secretary of State ___

Forms: yes X
Audit: yes ___
PAC Regulation: yes X

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$100		*
2. Expenditure	X	X	X	All		X

* Contributors of over $250--occupation and place of business.

TIME OF FILING:

	Before	After
Primary	30**,8	*
General Election	30**,8	*

Comments:

* Report to be made on December 1st of the election year including transactions through November 25th, and if funds or outstanding obligations remain, a further report on January 15th, July 15th, January 15th and annually thereafter until a final report is filed.

For candidates in special elections held on a date other than a regularly scheduled general election, report to be filed no later than 30 days after special elections.

** Statewide. Non-statewide may omit the report 30 days prior to the election.

Threshold for status of a political committee - $100 in contributions or expenditures.

Where there remains a deficit, supplemental reports to be filed 60 days, 6 months and 1 year and annually thereafter, as required.

Contributions of more than $1,000 (Statewide Offices) or more than $500 (Other Offices) received between the 10th day preceding any election must be reported within 72 hours.

PUBLIC DISCLOSURE:

By:	Board of Elections
How long are the records kept:	Statewide - until next general election Non-Statewide - until next general election
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: State Board of Elections

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	___
Refer Violations to AG	X
Other: prescribes forms, regulations	___

Composition:

Three members appointed by Governor with approval of assembly--representation of the two major parties. Four-year terms.

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer* (required)

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

* Candidate may act as treasurer.

Committee's Agent: Campaign Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:

Tax Deduction	___
Tax Credit	___
Tax Checkoff	X
Reimbursement	___
Other	___

Details:

S.58.1-346 permits taxpayer receiving a refund to have $2 deducted from refund. Taxpayer specifies party to whom contribution is made.

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

All expenditures must be made by cheque drawn upon the certified campaign depository, except for those under $25 from a petty cash fund.

Advertising:

Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

Prohibition Against:

1. Anonymous contributions.
2. Contributions in name of another.

PENALTIES:

1. Violations of the Act	- class 4 misdemeanour.
2. Failure to file	- disqualified for office.
3. Late filing	- fine of not more than $100.
4. Violating advertising requirements	- class 1 misdemeanour--$1,000 fine or 12 months imprisonment.

WASHINGTON	**DATE: July 1988**
ADDRESS:	Public Disclosure Commission 403 Evergreen Plaza OLYMPIA, Washington 98504, U.S.A.
REFERENCE:	**Washington State Open Government Act,** (Initiative 276), Revised Code of Washington, c.42.17 as amended to 1987.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X		Forms:	yes X
	Committee	X			
	Constituency Association			Audit:	yes
	Party				
	Other				
To:	CEO				
	Commission	X		PAC Regulation:	yes X
	Secretary of State				

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$25	X	
2. Expenditure	X	X	X	$50		X

TIME OF FILING:

	Before	After
Primary	21, 7	21
General Election	21, 7	21

Comments:

Additional reports--10th day of each month in which no other report is filed until final report submitted showing conclusion of campaign, dissolution of committee with no remaining obligations or debts.

Candidates or political committees contributing over $500 to other candidates or political committees to report within 24 hours - recipients must also report within 24 hours.

Individual independent expenditures over $100 to be reported within 5 days, with subsequent reports filed as per political committees if subsequent expenditures are made.

PUBLIC DISCLOSURE:

By:	Public Disclosure Commission
How long are the records kept:	10 years
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Public Disclosure Commission

Duties:
Receive Reports X
Investigate X
Publicize Reports ___
Refer Violations to AG X
Other: Prescribe forms, rules. May suspend reporting requirement for good cause. ___

Composition:

Five members appointed by Governor with advice and consent of the Senate. No more than three members from the same political party.

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer (required)

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

Committee's Agent: Campaign Treasurer

Function: Same

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

No expenditure is to be made over $50 unless receipted.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

1. All contributions must be deposited in a designated campaign depository.
2. Prohibition against:
    (a) Anonymous contributions over $300 or 1% of total contributions received in calendar year.
    (b) Contributions in cash over $50 unless receipted.
    (c) Contributions made under a fictitious name.
    (d) Contributions made in the name of another.
    (e) Contributions from out-of-state political committee unless that committee files a detailed report.

Advertising:

1. Advertisements must be identified as to sponsors.
2. Commercial advertisers accepting political advertising during an election campaign must maintain their books open for public inspection for three years.

PENALTIES:

1. Violations of the Act - $1,000 fine (maximum).
2. Violation of Act which probably affected election outcome - election void.
3. Late filing - $10/day.
4. Failure to report contribution/expenditure - fine equal to unreported amount.
5. Stature of Limitations - 5 years.

WEST VIRGINIA

DATE: July 1988

ADDRESS:

Secretary of State
CHARLESTON, West Virginia
25305, U.S.A.

REFERENCE:

West Virginia Code Annotated, 1971,

c.3 - Elections, Article 8 - Regulation and Control of Elections as amended to January 1986.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	X
	Party	X
	Other	X
To:	CEO	
	Commission	
	Secretary of State	X

Forms:	yes	X	sworn
Audit:	yes		
PAC Regulation:	yes	X	

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X*	X	All		X*
2. Expenditure	X	X	X	All		X

* Contributors of more than $250.

TIME OF FILING:

	Before	After
Primary	7	30
General Election	7	30

Comments:

On the last Saturday in March or within 15 days thereafter next preceding the primary election day.

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	5 years
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Function:
1. Receive reports
2. Establish forms
3. Audit forms

Name: State Election Commission

Function:
1. Rules and regulations
2. Investigate
3. Refer violations to appropriate prosecuting attorney of the county or the U.S. attorney.

AUDITORS:

AGENCY:

Candidate's Agent: Self or Financial Agent

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records

Note: Candidate is responsible to file reports.

Political Party's Committee's Agent: Treasurer (required)

Function:
1. Keep records
2. File reports
3. Receive contributions
4. Authorize expenditures

Political Committee's Agent: Treasurer

Function:
1. Keep records
2. File reports
3. Receive contributions
4. Authorize expenditures

FUNDING PROVISIONS:

Manner:
Tax Deduction ___
Tax Credit ___
Tax Checkoff ___
Reimbursement ___
Other ___

Details:

WEST VIRGINIA

EXPENDITURE LIMITATIONS:

Provisions:

Voluntary Limits

Allowable expenditures specified.

CONTRIBUTION LIMITATIONS:

Provisions:

Individuals:

$1,000/election

Advertising:

1. Rates to be reasonable and commensurate with services rendered.
2. Advertising agencies to report receipts and expenditures made on behalf of candidates, financial agents or treasurers.

Prohibition Against:

(a) Cash contributions above $50.

(b) Contributions by corporations and government contractors.

(c) Anonymous contributions.

(d) Contributions in name of another.

PENALTIES:

1. Violation of corporate activity restrictions	- maximum fine $5,000--misdemeanour.
2. Knowingly failing to file or filing false report	- $500 fine, 1 year imprisonment. - misdemeanour. - candidate certification of nomination/election withheld.
3. Contribution over $50 cash	- fine three times amount contributed.
4. Providing false information to a person required to report under the Act	- misdemeanour.
5. Statute of Limitations	- 5 years.

WISCONSIN

DATE: July 1988

ADDRESS:

State Elections Board
132 East Wilson Street, Suite 300
MADISON, Wisconsin
53702, U.S.A.

REFERENCE:

Wisconsin Statutes Annotated, Title II,

Elections, c.11 - Campaign Financing (1985).

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:	Candidate	X
	Committee	X
	Constituency Association	
	Party	X
	Other	X
To:	CEO	
	Commission	X
	Secretary of State	

Forms:	yes	X
Audit:	yes	X
PAC Regulation:	yes	X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	$20	X	and occupation*
2. Expenditure	X	X	X	$20	X	X

* If contribution exceeds $100/year.

TIME OF FILING:

	Before	**After**
Primary	8	
General Election	8	

Comments:

Semi-annual reports by January 31st and July 10th.

Contributions of $500 or more received later than 15 days before an election to be reported within 24 hours.

Threshold for requirement to register with board as committee or active individual- $25/year received or expended.

Threshold for financial reporting requirements:

1. Political committee contributions/expenditures over $1,000/year or contributions from single source over $100.
2. Political party committee-contributions or expenditures over $1,000, or $100 single source contributions.

Individual making independent expenditures is deemed his/her own treasurer.

PUBLIC DISCLOSURE:

By:	State Elections Board
How long are the records kept:	10 years
Manner of Disclosure:	Public Inspection Annual Report

CONTROL MECHANISM:

Name: State Elections Board

Duties:		
	Receive Reports	X
	Investigate	X
	Publicize Reports	X
	Refer Violations to AG	X
	Other: prescribe forms, rules	

Personal financial disclosure required of candidates.

AUDITORS:

AGENCY:

Candidate's Agent: Campaign Treasurer* (required)

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

* Candidate may appoint self.

Committee's Agent: Treasurer (required)

Function: Same

FUNDING PROVISIONS:

Manner:		
	Tax Deduction	
	Tax Credit	
	Tax Checkoff	X
	Reimbursement	
	Other	

Details:

1. $1 checkoff for public campaign fund.
2. Checkoff: Creates Wisconsin Election Campaign Fund--money apportioned by State treasurer to candidates for gubernatorial and statewide offices in general elections.

   The total grants available to any eligible candidate in an election may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and committees of a political party, is equal to 45% of the disbursement level specified for the applicable office.

EXPENDITURE LIMITATIONS:

Apply to candidates who accept grant from Wisconsin Election Campaign Fund.

Provisions:

1. (a) Candidates for governor: $1,000,000.
   (b) Candidates for lieutenant-governor: $325,000.
   (c) Candidates for attorney general: $540,000.
   (d) Candidates for secretary of state, state treasurer, justice or state superintendent: $200,000.
   (e) Candidates for state senator, $34,500 total in the primary and election, with disbursements not exceeding $20,000 for either the primary or the election.
   (f) Candidates for representative to the assembly, $17,000 total in the primary and election, with disbursements not exceeding $10,000 for either the primary or the election.
2. Anonymous disbursements prohibited. All disbursements must be authorized by treasurer or his/her designated agents.
3. All expenditures must be made by cheque.

Advertising:

Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS:

Provisions:

By individuals to:*

(a) Statewide candidates--$10,000/campaign

(b) State senator--$1,000/campaign

(c) State representative--$500/campaign

By committees other than party committees to:

(a) Governor, Lt. Governor, Secretary of State--4% of disbursement limit

(b) Senator--$1,000

(c) Representative--$500

(d) Political Party--$6,000

Prohibition Against:

1. Anonymous contributions greater than $10.
2. Contributions above $50 being in cash.
3. Contributions in the name of another.
4. Corporate contributions.

* No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals or committees acting in support of or in opposition to such candidates who are subject to a registration requirement including committees of a political party, to the extent of more than a total of $10,000 in any calendar year.

PENALTIES:

1. Violation of the Act	- $500 fine (civil).
2. Late filing	- the larger of a fine of $50/day or 1% of annual salary of office/day.
3. Failure to meet registration requirements	- $10,000 fine (maximum) and/or 3 years imprisonment.
4. Violation of contribution or expenditure limits over $100	- $10,000 fine (maximum) and/or 3 years imprisonment.
5. Violation of contribution or expenditure limits under $100	- $1,000 fine (maximum) and/or six months imprisonment.

WYOMING

DATE: July 1988

ADDRESS:

Secretary of State
CHEYENNE, Wyoming
82002, U.S.A.

REFERENCE:

Wyoming Statutes, Annotated, Title 22.1,

Campaign Reporting Provisions
22-25-101 through 22-25-115 (1985).

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee X
Constituency Association ___
Party X
Other ___

To: CEO ___
Commission ___
Secretary of State X

Forms: yes X sworn

Audit: yes ___

PAC Regulation: yes X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	All	X	
2. Expenditure	X	X	X	All	X	X

TIME OF FILING:

	Before	**After**
Primary		*10**7
General Election		*10**7

Comments:

* Candidates

** Political Committees
Political Party Central Committees

PUBLIC DISCLOSURE:

By:	Secretary of State
How long are the records kept:	6 years in Secretary of State's office, then on microfilm in archives.
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Secretary of State

Duties:
- Receive Reports X
- Investigate ___
- Publicize Reports ___
- Refer Violations to AG X
- Other: forms ___

Composition:

AUDITORS:

AGENCY:

Candidate's Agent: Treasurer/Chairman

Function: File Reports

Committee's Agent: Treasurer/Chairman (required)

Function: File Reports

FUNDING PROVISIONS:

Manner:
- Tax Deduction ___
- Tax Credit ___
- Tax Checkoff ___
- Reimbursement ___
- Other ___

Details:

357 WYOMING

EXPENDITURE LIMITATIONS:

Provisions:

No Limits

CONTRIBUTION LIMITATIONS:

Provisions:

1. Only natural persons, political parties and committees or campaign committees may make contributions.
2. By individuals other than candidate and family:
   - $1,000 for two-year period consisting of a general election year and the preceding year to any candidate or committee, and
   - $25,000 in aggregate to all candidates and committees during same two-year period.
3. No limit on contributions by political parties.

Advertising:

1. Advertising must be properly identified.
2. Excessive advertising rates prohibited.

PENALTIES:

1. Exceeding contribution limits	- $10,000 fine plus lawyer's fees.
2. Failure to file	- misdemeanour--candidate certification of election/nomination withheld.
3. Violations of the Act	- misdemeanour, $1,000 fine, 6 months' imprisonment.

AUSTRALIA

DATE: July 1988

ADDRESS:

Australian Electoral Commission
Funding and Disclosure Section
P.O. E201
Queen Victoria Terrace
CANBERRA, A.C.T.
2600

REFERENCE:

Commonwealth Electoral Act 1918,

Reprinted September 1984.
Election Funding and Financial
Disclosure Handbook, Vols. I-VI.

DISCLOSURE PROVISIONS:

Reporting Requirements:

By: Candidate X
Committee ___
Constituency Association ___
Party X
Other X

Forms: yes X

Audit: yes X voluntary

To: CEO ___
Commission X
Secretary of State ___
Minister ___

DETAIL:

	Name	Address	Amount	Threshold Amount	Date	Employer/Purpose
1. Contribution	X	X	X	$200 ($1,000)	X	
2. Expenditure	X	X	X	$200 ($1,000)	X	

TIME OF FILING:

	Before	After
Primary		
General Election		15 weeks **

Comments:

** 1. Returns must show expenditure incurred on goods used or services rendered between the issue of writ and polling day.

2. Returns must also be made by broadcasters and publishers 15 weeks after election.

3. No return is required from a publisher if the total value of electoral advertisements published is less than $1,000.

4. "Third parties" are not required to submit an expenditure return if electoral expenditure is less than $200; a gift return is not required if no gifts of $1,000 or more were received.

PUBLIC DISCLOSURE:

By:	Australian Electoral Commission
How long are the records kept:	Indefinitely
Manner of Disclosure:	Public Inspection

CONTROL MECHANISM:

Name: Australian Electoral Commission

Duties:

Receive Reports	X
Investigate	X
Publicize Reports	X
Report to Minister	X
Other: promote public awareness	

Composition:

(a) Chairman
(b) Electoral Commissioner
(c) One Other Member

(a) and (c) are appointed by the Governor General

AUDITORS:

The Commission requires an auditor to satisfy him/herself and certify that the expenditure shown on the "summary of Electoral Expenditure to support Claim" is electoral expenditure in accordance with the guidelines provided and may thus be used to support the claim. The Act however, does not require that claims for public funding returns of details of gifts received or returns of electoral expenditure be audited.

AGENCY:

Candidate's Agent: Candidate may appoint an agent--if no agent appointed, candidate is deemed to be own agent.

Political Parties may appoint an agent--if no agent appointed, secretary is deemed to be agent.

Function:
1. Make Expenditure Returns
2. Claim Public Funding
3. Submit return of details of gifts received
4. Maintain such records as are necessary to complete returns and make public funding claims
5. Keep records relating to details shown in return for one year after polling day

Group's Agent: Group may appoint agent--if no agent appointed, person whose name appears first in group on senate ballot paper is deemed to be agent for the group.

FUNDING PROVISIONS:

Manner: Tax Deduction —
Tax Credit —
Tax Checkoff —
Reimbursement —
Other: public funding —

Details:

Public Funding:

In order for candidates to be eligible for public funding they must receive 4% or more of the formal first preference votes cast in the election.

The entitlement to public funding is the lesser of:

(a) the number of first preference votes gained in the election multiplied by the appropriate public funding rate**; or

(b) the amount of electoral expenditure (campaign costs) incurred.

** There are three public funding rates which are based on cents-per-vote and are reviewed twice-yearly. They are adjusted in line with increases in the All Groups Consumer Price Index number published by the Australian statistician. The relevant amounts per vote in effect from July 1, 1987 until December 31, 1987 are:

1. for a House of Representatives election--76.296 cents,
2. for a Senate election with the same polling day as a House of Representatives election--38.148 cents.

(c) For any other Senate election--57.222 cents.

EXPENDITURE LIMITATIONS:

Provisions:

There are no maximum limits on electoral expenditure.

CONTRIBUTION LIMITATIONS:

Provisions:

Prohibition against anonymous contributions over $200 to a candidate, or $1,000 to a senate group or political party.

PENALTIES:

1. Failure to furnish a return	- party agent	-- $5,000 fine.
	- any other person	-- $1,000 fine.
2. Filing an incomplete return	- $1,000 fine.	

NEW ZEALAND

DATE: July 1988

ADDRESS:

Royal Commission on the Electoral System
P.O. Box 5192
Wellington, New Zealand

REFERENCE:

DISCLOSURE PROVISIONS:

Reporting Requirements:

By:
Candidate X
Committee ___
Constituency Association ___
Party ___
Other ___

Forms: yes X
Audit: yes ___
Registration: yes ___

To:
CEO
Commission ___
Secretary of State ___
Other: Returning Officer X

DETAIL:

	Name	**Address**	**Amount**	**Threshold Amount**	**Date**	**Employer/Purpose**
1. Contribution	X	X	X	All		X
2. Expenditure						

TIME OF FILING:

	Before	**After**	**Comments:**
Primary			
General Election			

PUBLIC DISCLOSURE:

By:

How long are the records kept:

Manner of Disclosure: Public Inspection

CONTROL MECHANISM:

Name:

Composition:

Duties:
- Receive Reports ___
- Investigate ___
- Publicize Reports ___
- Report to Minister ___
- Other: promote public awareness

AUDITORS:

AGENCY:

Candidate's Agent:

Function:

Party's Agent:

Function:

FUNDING PROVISIONS:

Manner:
- Tax Deduction ___
- Tax Credit ___
- Tax Checkoff ___
- Reimbursement ___
- Other: free television and radio time to parties X

Details:

Minor additional assistance provides for free use of school rooms for candidates holding public meetings.

EXPENDITURE LIMITATIONS:

Provisions:

1. Individual candidates are limited to expenditure of $5,000 on goods and services related to:
   (i) advertising and radio or television broadcasting, and
   (ii) publishing, issuing, distributing and displaying addresses, notices, posters, pamphlets, handbills, billboards and cards.
2. Advertising which promotes a candidate must be authorized by the candidate or the party to which he/she belongs.
3. The Broadcasting Corporation places controls of its own on the use of television and radio advertising for political purposes.
4. There are no limits on the amounts that parties may spend.
5. Advertising by outside interest groups is substantially restricted.

CONTRIBUTION LIMITATIONS:

Provisions:

No Limits

PENALTIES: